



PHD

Sub-National Mobilisation, Regional Autonomy, and EU Integration: The Basque Case

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Sub-National Mobilisation, Regional Autonomy, and EU Integration: The Basque Case

Submitted by Eric Bienefeld

for the degree of Doctor of Philosophy (PhD) of the University of Bath
30 September 2009

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A handwritten signature in black ink, appearing to read 'Eric Bienefeld', with a large, sweeping loop at the end.

The philosophers have only interpreted the world in various ways. The point, however, is to change it.

- Inscription on Karl Marx's Tombstone, Highgate Cemetery, London, United Kingdom
Karl Marx, *Thesis 11*

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List of Abbreviations

AER – Assembly of European Regions
ALDE – Alliance of Liberals and Democrats for Europe
AC – Autonomous Community – Comunidad Autónoma
Calre – Conference of European Regional Legislative Assemblies
Carce – Conferencia para Asuntos Relacionados con las Comunidades Autónomas
CEMR – European Council of Municipalities and Regions
CEOE – *Confederación Española de Organizaciones Empresariales* – Spanish Confederation of Business Organisations
CoE – Council of Europe
COM – European Commission
CoR – Committee of the Regions
Confebask – *Confederación Empresarial Vasca* - Basque Business Confederation
CPMR – Conference of Peripheral Maritime Regions
CTP – Communauté de Travail des Pyrénées – Working Community of the Pyrenees
ECJ – European Court of Justice
EiTB – *Euskal Irrati Telebista* – Basque Radio Television
EU – European Union
EUEDEL - Association of Basque Municipalities
FEMP – *Federación Española de Municipios y Provincias* – Spanish Federation of Municipalities and Provinces
IG – Intergovernmentalism
IRO – Interregional Organisation
It4All – Network of Local Authorities for the Information Society
MLG – Multi-Level Governance
NGO – Non-Governmental Organisation
PLAE – *Plataforma Logística Aquitaine-Euskadi* - Logistical Platform Aquitaine-Euskadi
Regleg – Conference of European Regions with Legislative Power
Reper – Permanent Representation to the European Union
RLC – Region with Legislative Competencies
SNA – Social Network Analysis
Spri – *Sociedad para la Promoción y Reconversión Industrial* – Agency for Industrial Promotion and Reconversion
UN – United Nations
UNITAR – United Nations Institute for Training and Research
WSIS – World Summit on the Information Society

Abstract

Unexplored areas in EU integration literature regarding regional representational channels give impetus to the research. Novelty lies in its concentration on reciprocal regional governmental and EU relations to test the hypothesis that Regions with Legislative Competencies (RLCs) interact in EU policy and decision-making to influence it through both formal and informal means. The work focuses on RLCs because they are able to harness a large degree of power and influence vis-à-vis the nation state, which increases their visibility in EU policy. The Basque Country is the case study due to its high degree of autonomy and resources that maximises its ability to influence EU policy. The period of analysis starts from the Maastricht Treaty negotiations (1991-1992) and concludes with the Basque parliamentary elections (2009).

Existing literature explores the regional tier emphasising its involvement in EU decision and policymaking, primarily concerning structural and cohesion funds. Other scholarly contributions identify central governments as the regulators of substate regional participation at EU-level policymaking. The thesis argues that multi-level governance (MLG) offers new insights into examining EU integration and the phenomenon of regional ‘circumvention’ of central governments through informal representational avenues, including interregional organisations and diverse lobbying efforts. A MLG approach is useful because it considers varying levels of influence and jurisdiction of substate, state, and supranational entities within the EU.

The thesis argues that the effective representational capability of RLCs depends on formal and informal institutional contacts, and it explores the most effective forms of representation for Euskadi and the policy areas where its activism has an impact. Fieldwork consists primarily of informal semi-structured interviews with EU representatives, the central state, Basque institutions, and interregional organisations. They are essential concerns for the methodology because they form a range of informal and formal representation channels, which have not been thoroughly surveyed in the literature.

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Introduction: Substate Entities on the EU Scene

La philosophie est le microscope de la pensée

- Victor Hugo, *Les Misérables* (Jean Valjean)

I. Context

Due to the greater level of visibility of regions in the European Union, the following dissertation evaluates the impact of a powerful region - the Basque Country - on EU policy and decision-making through formal and informal means. By ‘formal’, I mean, through channels that the central-state offers, and by ‘informal’ I refer to lobbying channels whereby the regions can have a direct impact on the EU institutions. Literature on the EU has identified regions as having an important impact at the EU-level. Early notions concerning the dynamics of the EU envisaged its composition as progressively moving towards the regional level, as in the primary assertions of *Europe of the Regions*. Elias (2008) states that Jacques Delors advanced the concept during his term as the Commission president (1985-1995), Elias describes its various conceptions, which he argued, differed in assigning more or less policy responsibility to regions. In some circles, the idea envisaged the weakening of member state institutions and coincided with direct representation of regional entities in EU policy and decision-making (Elias 2008: 484). Authors since the 1980s and 1990s have invariably supported - or negated - the conception of the *Europe of the Regions*. Many have argued that competencies that were originally member state competencies have become the responsibility of the EU institutions, or they have passed on to be the jurisdictions of regions. Hence, the following dissertation is an important study to determine the institutions involved in EU policy and decision-making and the role of the regions therein. Other related studies reflect the view that, although the member states are still largely responsible for EU policy, regions and interest groups are playing a larger role (Borrás-Alomar, Christiansen, and Rodríguez-Pose 1994). Therefore, this work determines how regions attempt to influence EU policy, i.e. through their central state or through their own direct means.

The thesis assigns responsibility for policy design in a system with an extensive number of players - or people involved that can have an impact therein - by focusing on one region. The EU policy and decision-making process is an exemplary system for the study due to its complexity. Additionally, the EU institutional structure has evolved since its official creation with the enactment of the Treaty of Maastricht (1992) until the current ratification process of the Treaty of Lisbon (2007), which has progressively increased its jurisdiction in certain policy areas. Apart from the treaties, which comprise the EU’s formal procedural rules, the large degree of EU legislation, has signalled new objectives and directions for its policy, and has

modified the composition and responsibilities of the primary institutions, including the European Commission, the European Parliament, the Council of Ministers, and the European Court of Justice. The greater number of institutions involved in EU policy also increases the opportunities for a powerful region to have an impact through lobbying a variety of officials. Within the described governance composition, the EU has arguably become a supranational entity, i.e. a level above the member states whose policies must be coordinated with those already existent within its member states. Thus, the complexity of the system also opens up a variety of policies to outside influence, which is why the thesis looks to regions, due to their increased visibility.

II. Theoretical Approach

EU policy and decision-making involves a range of member states and interests, which are so numerous, that it is difficult to assign responsibility. Political science offers essential ways to scrutinise power and influence in decision-making, and thus, the thesis will rely on it as the discipline to explain the phenomena. In addition to the considerable number of people involved, the EU structure is constantly changing and there are several ways to explain the change and why it is being reshaped, which is the reason for this work's adopted theoretical approach. Therein, Multi-Level Governance (MLG) is an approach that was principally developed by Hooghe and Marks in the early 1990s. It allows us to perceive the EU as a system composed primarily of three principal 'governance' layers: a supranational EU level, member state, and regional. Each level possesses jurisdiction in certain areas and interact amongst one another. In addition to the three levels, there are other entities that interact at the EU-level. Thus, the thesis' questions the role of regions in the EU policy and decision-making process and it relies on MLG as the principal approach to explain the increased level of regional visibility and to indicate specific policy areas where their influence is felt and how. In this respect, Hooghe and Marks (2001) considered defining responsibility for complex decisions at the EU-level, which concerned interest groups and substate governments that are constantly trying to influence EU policy. Therefore, the dissertation will identify the interest groups and channels that the case study region - the Basque Country - relies on to impact policies. Greenwood (2003) reveals that it is overtly challenging to indicate influence in EU decision-making due to the plethora of lobbyists (Elias 2008: 485). Peterson (2003) also observes the large degree of lobbying groups and interests that are interacting with formal policy players, such as central state officials and ministers at the EU-level.

The adopted methodology assists in determining the policy channels in order to assign responsibility for impact on policy. To determine the channels it is necessary to engage in informative informal interviews with a range of regional, EU, interregional organisations, and central state officials who can reveal policy avenues that are not easily found in the existing literature. Interviews are an essential element of the research because lobbying channels are not prevalent in the literature due to their informal nature. After determining the channels, it is then necessary to identify the policy areas where there was activism and an impact to then discern if the RLC is able to influence EU policy. Therefore, there are a plethora of interests and informal channels at the disposition of subnational entities to influence EU-level policymaking. In addition to representatives from member states, lobbying groups are gaining increasing visibility in the EU institutions in Brussels. There are an abundance of organisations with regional membership that coalesce interests - that range from businesses to foreign governments - who are increasingly active at the EU level. The thesis will identify these interregional organisations, and determine which are the most effective channels to impact policy. The assertion behind the dissertation is to determine the impact of powerful regions on the EU policy design, and their reliance on various policy channels. *Why would we consider regions?* In several member states, regional governments are highly dominant entities due to their expertise and resources and their official role in central state decision and policymaking. Additionally, the EU has clarified its role in becoming closer to the citizens, and giving regional governments a voice in policy is one route to achieve their goal.

Hence, determining influence on EU policy can be perceived as not only including member states, but also salient regions. The concept of the 'region with legislative competencies' (RLC) refers to salient regions and consists of territory that has financial resources and personnel, due to its own legislative assembly, constitutional competencies, and degree of executive power guaranteed within its central state. The thesis explores the possibilities of the region with legislative competency to present its interests at the EU-level through a number of 'representational channels' or contacts and networks therein. Therefore, it considers what is the role of regions in the EU decision and policymaking process and are they able to mobilise their resources to have an impact on certain policy areas. For example, together with a greater presence of regions and interest groups, there is also a large degree of interregional organisations gathering and pooling regional interests at the EU level through engaging in conferences that address their policy concerns. It is essential to rely on a powerful region - as the case study - because it has a large degree of resources to be able to influence policy, and such a region is the clearest way to determine impact. Wagstaff (1999) questions regions' assertiveness in

circumventing central state controls over their special rights and powers, whereby he cites such regions as: the Basque Country, Brittany, Corsica, Catalonia, Flanders, Northern Ireland and Scotland. These regions have a large degree of resources that can be focused on influencing diverse interests in which the Basque Country was deemed the most appropriate case study, which is justified in the first chapter.

III. Importance and Difficulties of the Investigation

The research is ripe for examination, and unique, because it defines the EU structure and its dynamics with entities that are not only member states, which were focuses of previous studies. It is a test for democracy in considering the effectiveness of representational channels, that regions with legislative competencies rely on to influence, or attempt to influence EU policy and decision-making. The outcomes will allow us to illustrate the functioning of representational avenues that the regions, and other entities depend on, to represent their interests. Therefore, it can be used as an example of the effectiveness of substate entities - that are close to the citizen - to represent their constituents' interests through EU policy. It is a study that considers the functioning of the EU institutions and the most effective channels to represent interests and policy positions to influence EU policy.

The investigation is also met with several challenges due to the complexity of the EU system. It is difficult to define the players due to the intricacies of the EU policy and decision-making process. The work must also provide proof to support the fact that there is reciprocal interaction between the EU, member states, and the regions with legislative competencies. To further complicate matters, the EU is composed of twenty-seven member states with divergent governmental structures, territorial divisions, and systems of decision and policymaking. Hence, in order to determine the ability of the regions with legislative powers to influence policy, it is necessary to choose a relevant case study that is powerful enough to magnify and clarify policy channels. It would be extremely difficult to define already minor representational channels with a region that does not have the potential to mobilise resource, which is why the Basque Country is the most relevant case study.

IV. Chapter Breakdown of the Study

The first two chapters set the theoretical and methodological groundwork. Chapter one indicates the theoretical framework and consists of a literature review that examines the process of EU

integration. It roughly defines the process as development and fusion of member state and EU policy-making processes into an integrated system that combines their interests and progressively has involved substate entities. Wherein establishing the theoretical approach, the chapter encompasses a literature review that examines EU integration and lobbying. The first chapter also provides a justification of the case study, the Basque Country, and thereafter, I pose the research question that arises from the literature review. The chapter ends outlining possible outcomes and hypotheses. Chapter two explores the value of relying on interviews to inform the research question combined with an examination of relevant policy documentation. It also contemplates ethics of research.

Chapter three evaluates formal representational channels, which are facilitated by Spanish central state, that are available to the Basque institutions - consisting of the Government and Parliament and subdivisions therein - to represent their interests at the EU-level. Chapter four illustrates a number of interregional organisations, which have mixed membership of regions that work together for common goals, that the Basque institutions collaborate with to collect information and put pressure on EU decision and policymaking. It will primarily focus on the Basque Country's reliance on several interregional organisations to have an impact on policies at the EU-level. It will underline: the Assembly of European Regions (AER), the Conference of European Regional Legislative Assemblies (Calre), Conference of European Regions with Legislative Power (Regleg), and the EU Committee of the Regions (CoR), whose selection will be discussed therein. The fifth chapter addresses several key policy areas in which the Basque institutions are notably active at the EU-level, and it examines their ability to influence EU policy and decision-making through a range of networks and contacts at their disposal. Thereafter, a concluding chapter follows that evaluates the hypotheses and identifies areas for further research that emerge from the inquiry.

Chapter I: Context, Literature Review, and Theoretical Discussion

si la littérature n'est pas tout, elle ne vaut pas une heure de peine

- Jean-Paul Sartre, *Situations X (Interview with M. Chapsal)*

The following doctoral dissertation analyses the representational channels that the regions with legislative competencies rely on to have an impact on the EU policy and decision-making process. The process of EU integration affects central states as well as regions. The dissertation roughly defines the integration process as the gradual intertwining of policies at supranational, national, and subnational levels of governance. The analysis will focus on political institutions and organisations such as the EU, member state or regional governments, who have legislative competencies or are in some ways responsible for the policy and decision-making process. It also includes consideration of other entities that regions rely on to influence the EU policy and decision-making process through both formal and informal processes. The dissertation's theoretical groundwork explains the changing role of the nation-state and region in the EU policy process through Multi-level Governance (MLG), and critiques neofunctionalist, intergovernmentalist, and new institutionalist approaches in the following sections. Constructivism and social network analysis (SNA) will be discussed due to their explanatory power, but will not be an explicit focus of the analysis because of their already existing applicability to MLG. Nonetheless, they will be explained with their relation later in the chapter. The following chapter of the Ph.D. thesis consists of a literature review, which looks at the literature surrounding the subject of regional representation, EU integration, and the changing character of MLG through a plethora of formal and informal channels and contacts. It outlines the theoretical approach of the dissertation, and therein justifying the Basque Country as the most relevant case study for the dissertation. The final section consists of hypotheses and possible outcomes.

I. Context: EU Integration and Devolution

The dissertation intends to identify the most effective avenues for the RLC to enter in EU decision and policymaking through both formal and informal channels of representation. MLG posits the investigation of EU representation through top-down or bottom-up perspectives. The bottom-up view considers a horizontal distribution of power amongst a variety of jurisdictions of both state and non-state actors, and from this perspective it is possible to envisage a channel in

which regional demands can reach EU discourse. To provide examples of the RLC's ability to affect policy, the study must analyse the CoR, and interregional organisations (discussed later), which should demonstrate the active regional lobby on the EU institutions whereby they have some influence on EU policy and decision-making. The investigation searches for instances when there is a high degree of activism by the Basque institutions to determine that if both sides (EU and regional) interact, then the Basque officials were able to offer their perspectives on identifiable policies, and thus, influence those policies to some degree. On the other hand, the top-down approach analyses formal EU institutional mechanisms whereby power is distributed vertically, which mainly emanates from the member states (member states) to the EU or vice-versa (this concept is discussed later in the chapter). A top-down approach could also envisage the RLCs in the EU policy and decision-making process. Such a study, would consider a vertical relationship between RLC and the EU in which an EU institution would represent the RLCs, and in effect, give them decision and policymaking power whereby the EU acts - in some way or another - as an arbitrator between the RLC and the central state. Nonetheless, such a three-way structure does not appear to be the direction of EU integration. The thesis relies on MLG to inquire if the RLC is able to influence EU policy and decision-making process through formal and informal means, which of the latter is the most effective, and are regions circumventing their central state in doing this. The following paragraphs will now outline a series of contemporary events that demonstrate the new institutional context revealing how regions now operate.

EU integration is in a state of flux and changing traditional representational relations between nation-states and regional governments.

“In regional policy, in particular, Europeanization has constituted a challenge for well-established structures within the systems of governance at both the national and subnational levels and played a decisive role in the administrative restructuring process within the member states and in enhancing the institutional capacity of the subnational systems of governance, by shaping the public/private relations and promoting networking at the regional and local” (Paraskevopoulos 2002: 3)

Paraskevopoulos recognises networking structures and the subnational effect on restructuring processes within member states that account for the subnational level. The state of flux of EU integration is also coupled with recent events both within member states, such as Spain, and within the EU to suggest a changing structure that MLG can explain. Spain consists of seventeen Autonomous Communities (*Comunidades Autónomas* – ACs). Two of Spain's Autonomous Communities, the Basque Country (Euskadi) and Catalonia, have initiated autonomy statute reforms, which propose a change in governance between not only them and Spain, but also the EU. Additionally, the EU Draft Constitution makes special reference to the regions, and the ‘early warning system’ is one example of this, which will be explained later.

Furthermore, regional governments run by nationalist political parties create new perspectives regarding their region's position within both their central states and the EU, such as those within the Basque Country. Bulmer (1983) argues that each national polity has differing sets of economic and political concerns that share its national interest. Thus, it is important to respect each national polity's variations of competency areas between regions and nation-states and accommodate them in the EU.

The regional recognition embodied in the EU Draft Constitution (2004) that became key innovating elements in the Treaty of Lisbon (2007) signals another change to the EU governance structure. The section is entitled the Protocol on the Application of the Principles of Subsidiarity and Proportionality (2004). It gives the regions some jurisdiction through the Committee of the Regions (CoR) and their national parliaments to act as guardians of the subsidiarity principle through which the CoR has the ability to bring a case before the European Court of Justice (ECJ) when there is a breach of subsidiarity, which is coined the early warning system. The Conference of European Regional Legislative Assemblies (CALRE) engaged in discussions with the CoR to form a working group to analyse the application of subsidiarity in EU policies, which was a reaction to the Protocol. The Protocol explicitly gives regional parliaments the ability – through their parliaments and / or the CoR – to question EU policy directives for revision that do not correspond with subsidiarity. In this respect, the Treaty of Lisbon gives important bottom-up power to regional entities, and in effect, empowers them with the ability to influence EU policy-making. The Protocol's principles provide evidence of the member states' and the EU's intentions to continue to widen and deepen the integration process. Germany's EU Council presidency gave a large degree of impetus to continuing with the ratification of the Treaty of Lisbon and with it the Protocol.¹ Its activism is interesting due to Germany's federal structure in which its Länder have a wide degree of competencies and resources, and thus, are able to react to EU legislation.

EU member states are in the process of devolving power in areas that were originally central state exclusive competencies, namely in Italy, Spain, and the United Kingdom. Furthermore, the EU is in a process of flux with the implementation of the Treaty of Lisbon² and the strengthening of the role of the regions in the EU through the Committee of the Regions (CoR), which in effect, provides regional parliaments with the ability to act in a wider EU perspective through their role concerning subsidiarity. This correlates with a horizontal EU governance

¹ Interviews: Calre former official, Brussels, 2007; Regleg Official, Brussels, 2007

² The Treaty of Lisbon was signed by the 27 heads of state of the EU member states on 13 December 2007.

structure in which various groups affect EU policy and decision-making through formal and informal means, where formally centralised power - at either central state or EU-levels - is devolved to other substate entities (i.e. regions and / or interest groups). This form of power distribution is divergent from the traditional nation-state structure of interstate bargaining and central state gatekeeping at the EU-level, whereby the member states regulate RLC channels to the EU. According to traditional conceptions, EU institutions, such as the Council of Ministers – are conceived as principally vertical in their governance structure, which give prime importance to the central states. Nevertheless, the Council has progressively become an inroad for some RLC. Therein, some member states are formally facilitating RLC interaction, whereby RLCs have informal influence through its working groups and through expert advice on certain policy topics.

For instance, in Germany, the Länder have power to engage in debate when their competencies are affected, and in Spain a similar process is being implemented. Since December 2004, the Spanish Autonomous Communities do possess some degree of representational power in the Council through a representative in the Spanish Permanent Representation (Coreper), the *consejero autonómico*. The *consejero* participates next to the respective ambassador or minister(s) involved in the issue at hand (Europa Press 2004a). Through the central state facilitated mechanism, the Autonomous Communities have one or two representatives that act only in autonomous issues related to them. They occupy one of the four positions that Spain maintains in the Council and are able to participate in the Coreper preparatory commissions or working groups of the sectoral commissions of the Council of Ministers. The limitation of one or two *consejeros* requires the rotation of autonomous representatives from all seventeen Autonomous Communities. The situation has a tendency to be problematic because it may not protect certain statutory competencies, which a particular Autonomous Community - or various Autonomous Communities – has / have constitutionally reserved to them through their autonomy statutes. Thus, interviews form an essential method to obtain information and will question conflictual competency areas, which will be discussed in the methodology chapter.

The shift from the modern nation-state system to the current process of EU integration has had decisive implications for the way in which researchers view top-down power structures that give principal importance to the central state and minimal significance to the RLCs concerning their ability to influence EU policy. On the other hand, a bottom-up approach does not deny the existence of top-down intergovernmentalist-type structures, but rather, it allows the analysis of certain informal regional contacts that give RLCs a direct dialogue with Brussels, and thus, it

offers a more complete picture of EU governance. The thesis is innovative because it fills gaps in the literature with new considerations, inquiring about the character of MLG in the EU through its research question. Initially, researchers analysed EU relations and only considered a vertical structure where power is centralised and distributed from above, i.e. from EU to nation-states, nation-state to region, or even from EU to regions. Vertical power diffusion is coined top-down relations. However, recent political events demonstrate that the lower tiers of government are also interacting reciprocally with the EU, which represents bottom-up relations. In this perspective, EU integration opens up many representational opportunities ('opportunity structures') - for other non-state or subnational entities - as did the shift from the *ancien régime* to the contemporary nation-state system, which exposes new constraints and opportunities for social movements in the EU, and thus, political opportunity structures (Marks and McAdam 1996: 254). Included in those changes is the amplification of the shared decision and policymaking powers among governmental organs based at the national, subnational, and supranational levels (Marks and McAdam 1996: 255). The ensuing research provides an important analysis to view these recent developments and define both the governance structure embodied in the evolving EU system and the role of the regions in this system, i.e. circumvention, consultative, decision-making, and/or policy implementation.

Elias (2008) argues that, although subnational entities do not have entire control over the EU policy and decision-making process, the EU is still notably important for them. He describes four reasons why it is still salient for regions. Firstly, several EU member states are in the process of decentralising, which has assigned new responsibilities for regional governments to implement EU-level policy (Elias 2008: 487; John 2000: 878). Secondly, there is still a marked growth of Brussels based regional offices with the objective of influencing EU policy design (Elias 2008: 487; Moore 2006). Thirdly, the development of a variety of policies at the EU-level has encouraged the involvement of a number of regional interest groups, which have become key players in EU policy design (Elias 2008: 487; Greenwood 2003; Bartolini 2005: 260-268). Lastly, Elias (2008) divulges that regions are proactive in their aspirations to heighten their political and constitutional role in the EU. His assertions on the increasing regional role in EU policy and decision-making offer an interesting starting point for this work. They mark the importance of regions in mobilising their efforts at the EU-level, their ability to pressure the EU institutions, and the salience of regional interest groups in asserting combined pressure on policy. Therefore, a study on their actual ability to influence and identify the institutions involved is the object of the thesis

As mentioned before, top-down relations are still relevant, in that the central states still possess some gate-keeping capabilities, especially with respect to the EU Council of Ministers due to central governments guiding the Council meetings. Nevertheless, the aforementioned recent devolution processes have given regional governments some say in the Council of Ministers (e.g. through the *consejero*), an issue whose implications are further explored in the dissertation. Bache states that the EU member states operate within a MLG system, and he reveals that although subnational governments participate, they do not have absolute say in decision-making outcomes (Bache 1998: 155). Bache does not deny substate influence, but merely asserts that they do not have complete control over policy outcomes. This work analyses the representation channels that the EU system offers to regions, and how the Basque Country relies on these institutions to impact policy. Euskadi is a test case in this respect, because the representational channels - formal and informal - revealed through the research, will attest the usefulness of an MLG approach for analysing EU integration concerning representation of RLCs. Now after describing the context that raises unanswered questions about EU governance, this chapter continues with theoretical discussion starting with a brief introduction to the thesis' theoretical framework.

II. Theoretical Considerations: Neofunctionalism, Intergovernmentalism, and MLG

The theoretical approach relies on a MLG perspective to analyse the triple structure of EU, nation-state, and regional government relations. Although neofunctionalism and new-institutionalism offer some interesting perspectives, they both appear antiquated forms of analysing the EU that are more appropriate to the early stages of EU integration, primarily due to systematic changes therein. Neofunctionalism presents the idea of spillover and gives importance to supranational institutions, yet it does ignore informal contacts. Meanwhile, new-institutionalism lacks appropriateness due to its loose definition of institutions. Intergovernmentalism presents a resemblance to neo-realist perspectives, which overtly emphasise the role of the nation-state while under emphasising the role of regional actors in the EU integration process. Network analyses, policy network analysis (PNA) and social network analysis (SNA) – along with the constructivist idea of intersubjective discourse - will be considered because they evaluate regions' informal and formal contacts within the EU. Thus, these approaches are scrutinised in the following sections and are useful for clarifying the investigation, but will not be used explicitly as analytical tools of research. Constructivism is of value for consideration in the thesis, although it has been attacked in recent years for its lack of

testable hypotheses (Moravcsik 2001), it does offer some interesting insights into the intersubjective discourse taking place that has some effect on EU governance, especially concerning the various meetings and conferences held by interregional organisations, which is explored in subsequent sections. They will explore: theoretical possibilities, their value, or conversely, their inappropriateness for the investigation. The chapter arrangement reflects reasoning that the theories' relevancy will reveal certain testable hypotheses, and therefore, they guide the thesis' methodology unveiled in the following chapter.

Wiener and Diez (2004) describe three evolutionary phases of EU integration theory. Neofunctionalism and intergovernmentalism prevailed during the first phase of EU integration theory. Theoretical approaches became more multidimensional in the second phase, which sees the EU with a more complex institutional design. Hence, such approaches as 'multi-level' (Marks, Scharpf, Schmitter, and Streeck 1996), 'network governance', and network analysis (Peterson 1995; Peterson and Bomberg 1999) explain more profoundly how the EU operates (Jachtenfuchs and Kohler-Koch 1996). The dissertation does not seek to assert that the functionalists and neofunctionalists are completely incorrect in their claims. However, neofunctionalism has been criticised as describing the 'process' and not the 'product' (Schmitter 2004: 69). Therefore, approaches such as MLG and network analyses [i.e. PNV or SNA] provide more precise explanations of the EU policy process, while neofunctionalism neglects (or under-emphasises) certain factors, such as: social networks and the integration of various governance levels (central state, sub-state, and supranational). Wiener and Diez (2004) define the current phase (third phase) of EU integration as encompassing concepts that fully acknowledge political union beginning with the Treaty of Maastricht (1991-1993), continuing to widen and deepen its scope, and affecting individual polities or policy / decision-making processes (Wiener and Diez 2004: 10). Therefore, it is necessary to encounter a theory that conceives the EU as a governance structure with varying degrees of jurisdiction.

Jachtenfuchs and Kohler-Koch stress that EU analysis often neglects both informal institutional elements and EU policy processes, and they refer to the fact that EU decision and policymaking processes are not solely comprised in the texts of treaties (Jachtenfuchs and Kohler-Koch 2004: 100). The dissertation thus looks to informal policy processes, which take place in a MLG policy and decision-making arena, i.e. lobbying, consultative working groups and interregional organisations. Supporting the need to consider factors beyond EU legislation, EU policy also consists in unwritten administrative norms coincided with a plethora of "common understandings, inter-institutional arrangements, and informal modes of behaviour"

(Christiansen, Jørgensen, and Wiener 2001: 13). Appointments and elections at the EU-level are largely done at the member state level, exhibiting weak political competition at the EU-level, which is partly attributed to the lack of political party unification at the EU-level (Jachtenfuchs and Kohler-Koch 2004: 102-103). However, the argued lack of party unification does not deny, nor account for, informal contacts that can be essential. Furthermore, interviews in Brussels – as part of field research – challenge this claim of lack of political party unification in their provision of evidence to support the salience of party coalitions in influencing policy.³ Hence, there exists a gap in the literature, and for this reason, subsequent chapters address party coalitions and their impact on EU policy. In this respect, EU associations and transnational public-interest groups lobby EU policy and decision-making bodies and individual member states. Furthermore, the Commission is proactively encouraging these informal processes in the form of external expert advice, which also gives Commission policy and decision-making greater: involvement, legitimacy, and openness (Jachtenfuchs and Kohler-Koch 2004: 104-105; European Commission 2000: 5; European Commission 2001: 4).

Tatham (2008) posits that there are paths to direct regional representation and he analyses how and under what conditions each route can be most efficient. He asserts that extra state avenues of interest representation in the EU have been previously underestimated, and that the regions circumvent the EU member states through these routes (Tatham 2008). He focuses on six primary opportunity structures: a) the CoR, b) the Council of Ministers, c) the Commission, d) the European Parliament, e) regional Brussels offices, and, f) European networks and associations (Tatham 2008). The thesis likewise argues that the RLC relies on representational channels to disseminate their postures on policies at the EU-level through similar avenues. He also poses the challenge that much of interest representation is difficult to document due to their informal nature: “phone calls, email correspondence [...] corridor discussions”. Thus, he divulges that interviews are the best way to obtain information (Tatham 2008: 495). His article is an interesting starting point, but he does reveal the paucity of literature on regional lobbying channels, and thus, the thesis fills this gap in engaging in an extensive case study and considers regional interest representation through the central state, which he does not cover in his article (Tatham 2008: 498). Additionally, he makes an extremely relevant point concerning impact on policy, stating, “one senior Commission official explained, a regional minister has an impact on negotiations by just being in the Council.” (Tatham 2008: 500). His testimony demonstrates the importance of every level of involvement at the EU as being important forms of affect on policy.

³ Interviews: European Parliament - PNV, Brussels, 2007; European Parliament - PP, Brussels, 2007

Tatham points to the Commission and the European Parliament as being open and effective channels for substate interests (Tatham 2008: 504).

Thus, considering the Commission's acceptance of expert advice and other informal opportunities, this offers a substantial possibility for regions with administrative capacity to access the EU policy-making process. Networking is the most characteristic feature of EU governance (Jachtenfuchs and Kohler-Koch 2004: 105; Peterson 2004). Networking and the subnational entrance in EU policy design is part of a wider process that transforms the role of the state in the EU policy-making process (i.e. MLG in the EU), which runs counter to the ideals embodied in an intergovernmentalist approach to EU integration. The integrated market and the lobbying opportunities for trade associations has aided Economic actors' acquisition of autonomy, and in effect, transformed the function of the state. The state is changing roles from a superior power entity to a mediator between differing societal interests, which favours a system of network governance (Kohler-Koch and Eising 1999; Jachtenfuchs and Kohler-Koch 2004: 111).

Frequently, European Community or EU focused literature depends upon international relations (IR) perspectives, i.e. functionalism, neofunctionalism, and neo-realism, in describing integrative advances as inter-state bargains. Moravcsik (1991) employs this perspective with his notion of 'intergovernmental institutionalism', which as mentioned, originated from IR frameworks. Intergovernmentalists ignore either that the central state sacrifices a certain degree of competence to the EU, or, consider the abandonment of central state competition to a supranational body as antagonistic to central state sovereignty. In fact, they perceive the EU as a conglomeration of states who solely guide politics nationally. Other analyses originate in examining the EU from a 'federal systems of government' approach (Scharpf 1988; Sbragia 1992). Bulmer (1994), on the other hand, gives less credit to international organisation, and more emphasis to the conceptualisation of the EU as a multi-tiered system of governance. He states that this type of evaluation of governance structures places focus on institutions, decision-making procedures, and rules (Bulmer 1994: 355). Therefore, Bulmer's described approach coincides with the decision and policymaking emphasis and analysis of this dissertation. Marks asserts that MLG diverges from neofunctionalism's overt emphasis on the nation-state (Marks 1992, 1993). It implies the supranational entity's independent role, eroding the sovereignty of the traditional nation-state through the sharing of decision-making (Marks, Hooghe, and Blank 1996: 342).

Although some academic works have analysed EU relations with regional entities, the related literature has tended to focus on EU 'regional policy,' i.e. structural and cohesion funds (Fäber and Forsyth 1996; Funk and Pizzati 2003; Hooghe 1996; Jones 2000; Leonardi 1993; Rhodes 1995). Thus, the studies tend to embody a chiefly economic examination, which primarily deals with the distribution or jurisdiction of the authorities in charge of EU structural and cohesion funds and / or EU capital available for regional development. Conversely, this academic work focuses on regionalism, reflecting on territorial demarcations within member states that define separate regional governments with legislative competencies vis-à-vis their central states. Regionalisation is an important topic in the EU, considering that since 1980, no country in the EU became more centralised while half of the EU member states have decentralised authority to a regional tier of government (Hooghe and Marks 2001). Gamble (2004), for example, notes that nation-states were primarily responsible for creating the European Communities and are still important actors in the EU as traditional intergovernmentalism suggests. However, member state interaction has initiated a complex political system, in which, EU institutions [the Commission, European Parliament (EP), and the European Court of Justice (ECJ)] represent a supranational level of governance, especially in member states with a small degree of regional governments (Gamble 2004: vi). The newly emerging Euro-polity is a system of various levels that possesses multiple overlapping jurisdictions of MLG (Gamble 2004: vi). Peterson maintains the same point and adds that, the EU is: more a horizontal system of multiple authorities and multiple policy orientated preferences, than a vertical system of hierarchical authority (Peterson 2003).

EU integration has been evolving over the years in its amplification of policy areas. Theoretically, neofunctionalists assert the increase in policy areas through the notion of 'spillover'. The thesis applies spillover to political representation in that integration in one area of political representation causes integration and harmonisation in other areas, such as the formation of effective regional representational bodies (Haas 1970; Tranholm-Mikkelsen 1991). The thesis approaches spillover as a contemporary occurrence resulting from EU integration, but looks further, deducing that spillover has changed the structure of the EU into a MLG system in which RLCs are able to influence the EU, which is not only limited to central states. In this respect, neofunctionalism in contrast to intergovernmentalism, asserts that central states are no longer able to resist integration, thus, subnational and supranational levels are increasingly influential (Caporaso and Keeler 1995; George 1996; Risse-Kappen 1996). The neofunctionalists assert that supranational institutions are the force propelling integration, and consider that initial harmonisation of economical systems (i.e. 1957-1980s) causes related

political harmonisation. They sustain that initially economic integration increases efficiency in the economic policy-process, but thereafter, economic pressures are increasingly difficult to control without some degree of political agreement. Thus, the process of spillover interlinks individual EU political systems, and in effect, empowers the EU as a supranational entity.

The neofunctionalists appear to be correct in their assertions that the EU's jurisdiction would gradually extend to other policy areas. In effect, EU jurisdiction evolved from solely economic issues to the EU's current status acting as a political entity with competency in various policy sectors of decision-making. Its powers range from executive, legislative, judicial through political, which affect its member states. Reciprocally, the member states' governments have accepted the jurisdiction as legitimate through consensus concerning the EU institutions and various committees dealing with EU issues. The thesis specifically questions competency conflicts between regions and EU or nation-state decision and policymaking processes through the complicity of the EU-polity and the implications of integration and regional representation.

Nevertheless, the neofunctionalists did not completely account for the fact that regional and supranational levels are increasingly difficult for national governments to control. The neofunctionalists - to some extent - thought of national governments as the gatekeepers controlling integration. Neofunctionalist theory does make important contributions involving the idea of spillover, in that economic integration causes functional pressures or reasons to fuel integration in other policy areas. It is a notion that illustrates why states voluntarily lose their sovereignty in favour of regional integration under a supranational entity as opposed to the realist conception of sovereignty as the nation-state's primary concern (Haas 1970).

Mitrany's functionalist approach was influential during the first phase in the study of European integration (Wiener and Diez 2004: 8), which was discussed earlier in the chapter. Mitrany explained the shift from anarchic state systems to supranational institutional building - conjointly and a consequence of - societal and market patterns that caused pursuance of élite behaviour towards common market building. This early conception of European integration considered policy areas that were closely related to the market, but later political thought recognised other policy areas and further broadening therein. Functionalists / neofunctionalists describe this expansion of policy areas with the spillover concept. It reveals that actors shifting their loyalties and redefining their identities actively demand further integration (Wiener and Diez 2004: 8-9; Haas 1958, 1964). Utilising a society centred approach, the functionalists and neofunctionalists explain why states chose to give power (or jurisdiction) to a governmental body (such as the EU)

in which its institutions take control over some aspects of pre-existing national states' jurisdiction in order to execute specific tasks.

As previously stated, initially scholars believed that central states were sole sovereign powers. Nevertheless, considering the aforementioned EU harmonisation and integration, member states have continually given-up and lost some of their competencies to the EU in an inevitable process of harmonisation and regional integration, and therefore, the phenomenon demands additional theoretical approaches to describe other factors present in the current system. A limitation to functionalism is its unfulfilled prescription regarding the creation of a federal EU. Neofunctionalism is a theory of European integration that does not recognise the role of non-state actors, but in this respect, MLG fills many gaps, and explains the EU integration process more fully. Schmitter, for instance, emphasises the role of the 'secretariat' of the regional organisations and regional social movements, which cause dynamics that produce future integration (Schmitter 2004: 46). He illustrates that although EU member states are still important actors, they do not solely control future change. Regional actors exploit unintended consequences of integration that occur when states sacrifice some degree of supranational competency (Schmitter 2004: 46). Furthermore, states will increasingly devolve authority to regional organisations (such as the EU) to resolve conflicts, and progressively, economic spillover will create other spillovers provoking political integration (Schmitter 2004: 46). However, the neofunctionalists were not correct in their assertion that central governments maintain a large degree of control over the policy process demonstrated by their control in the European Council and Coreper. Although they do still have some dominance – in that policy is passed more efficiently through the central state - there are many other paths to influence the policy and decision-making process, and MLG accounts for these supplemental representational channels. Schmitter supports the notion that the EU is advancing towards a system of MLG. He reveals that new tasks are assigned, not to the Commission, but to independent regional agencies, thus, providing evidence that the EU is more a system of MLG of either condominium or consortium, as opposed to a model of 'stateness' (Schmitter 2004: 71). Therefore, he envisages the EU, not as a vertical power structure, but rather a system of shared responsibility and authority whereby decision-making is a multi-player responsibility.

Other notions of the EU conceive it as a communicative forum where various actors interact, share ideas, and formulate policy, which correlates with MLG through its recognition of informal contacts, and puts a constructivist spin to perceiving EU integration. Recognising the drawbacks to intergovernmentalism and neofunctionalism, Peterson writes that "[b]oth

intergovernmentalism and neofunctionalism were and remain macro-level theories of international relations, which are designed to describe, explain and predict the broad thrust and path of European integration as a process. Neither are intended to describe, explain or predict the policy outcomes that arise from this process, as policy network analysis often seeks to do.” (Peterson 2003: 16). Although the thesis does not rely on a formally implemented network approach, it demonstrates that the various networks that a RLC can use to influence the EU policy and decision-making process sometimes concern the collaboration of groups of regions (i.e. interregional organisations) in order to achieve a greater impact. Peterson argues that the EU is shifting towards network-type governance (Peterson 2003: 19). Thus, the dissertation diverges from neofunctionalism and intergovernmentalism, and rather, expounds on a MLG conception of the EU. MLG provides an informative framework for evaluating meso-level relations (regional-EU) through its three-tiered approach (EU, national, sub-national), which correlates with the principle of ‘subsidiarity’, and looks to informal channels whereby RLC have influence. Marks illustrates the sharing of decision-making between the three levels of national, supranational, and subnational.

III. Research Question and Theoretical Application

Due to gaps in the literature and the transformation of governance and roles of the EU, its member states, and regions in the EU, this work questions to what degree the EU and central states facilitate political cooperation and effective political representation to the substate and whether and how the RLCs pursue these channels of representation. Thus, the research question is: **what is the character of Multi-Level Governance (MLG) regarding the role of the region with legislative competencies (RLC) in EU policy and decision-making either through formal channels via their central states or informal means to assert their input in specific policy areas?** To explain, and most importantly, to provide examples of the regional role addressed in the preceding question, the thesis will consider their consultative function including regional activity in the Committee of the Regions (CoR) where they do not have definitive decision policymaking power, but rather have some institutionalised form of expressing their political voice. The dissertation will also consider the form of representation that the central state facilitates the RLC to act in certain policies that fall within their reserved competencies - possibly in conglomeration with other regions with legislative competencies (RLCs) within their member state (i.e. the *consejero autonómico* in Spain represents all the Autonomous Communities). The question also contemplates RLCs’ direct input in the EU policy and decision-making process. Time and again EU directives are best implemented or are enforced at

the substate level because of proximity of expertise, i.e. police enforcement of an EU directive. 'Informal means' refer to other ways that regions participate in the EU decision and policymaking process through, for instance, lobbying, networking, and / or interregional organisations.

Thus, this broad research question opens subquestions inquiring about the appropriateness of the MLG approach. It queries the relationship between recent events within member states - at the central state or regional level – allowing greater EU input (i.e. through autonomy statute reforms in Spain). Additionally, it evaluates RLC influence on EU policy, amendments, or directives through the above methods (a – d) and the outcome of the regional and EU interaction. The analysis requires an initial inquiry to identify the polemic competencies or areas of expertise that enable a strong RLC to represent its interests or present its expert advice on a given policy sector at the EU-level. The research question also challenges the legitimacy of MLG because if member states are still the gatekeepers of EU decision and policymaking, then maybe intergovernmentalism better explains the process and not MLG.

The thesis is inductively using MLG to explain the EU system due to the evidence of the presence of previously mentioned overlapping jurisdictions between various entities at the 'three levels' (EU, member state, RLC). The aforementioned jurisdictions are further complicated when considering that the EU consists of twenty-seven member states. Therefore, this complex and unique system of MLG needs clarification, starting from the lowest level in order to gain understanding of its dynamics that demonstrate the importance of the research. In this respect, regional conflicts cause instability within the member state, such as nationalist competency disagreements, mobilisation, but also threaten the stability of the EU as a whole. Due to this present situation, events affect individual member states, and consequently, the EU because many policies are interconnected and interrelated in the described overlapping MLG political system. Thus, the research question investigates these issues in an attempt to identify if the representational channels change the character of MLG in the EU. Stone Sweet and Sandholtz underline the European Community's impressive transformation originating in interstate bargaining and proceeding to a multidimensional quasi-federal policy (Stone Sweet and Sandholtz 1998: 1). The TEU and the Treaty of Amsterdam outlined formal transfers of competencies from member states to the EU. Consequentially, collective acts between all levels of governance have developed across the whole spectrum of public policy (citizenship policing, common commercial policy, foreign security policy, immigration, internal market, labour market regulation, social security entitlements, etc) (Bulmer 1994: 352). Being that member states are

giving up competencies and sharing policy and decision-making capacity, effective political representation is important to ensure democracy and represent the interests of member states and their integral territorial parts (regions). To this extent, the diverse politics of each member state provide differing models of regional representation, which complicate the issue further. The thesis inquires whether or not the RLCs are circumventing their central states to represent themselves in the EU, and which areas are the most effective. Additionally, it questions a larger process, inquiring the existence of a relationship between EU integration and the changing structure of MLG.

Research analysing the implementation stage of EU policies is important to evaluate the efficacy of regions implementing EU directives and policies. Marks, Hooghe, and Blank (1996: 365) apply MLG to the implementation stage. Bache illustrates the importance of future research concerning EU policy-implementation, and in effect, reveals a gap in the existing literature (Bache 1998). He addresses the evolution of EU cohesion policy revealing a shift in research from intergovernmentalism in EU regional policy between 1977 and 1988 to a MLG approach, due to the establishment of transnational lobbying networks after the 1993 structural fund reforms (Bache 1998: 139). Additionally, Marks reveals the weaknesses of the traditional conceptualisation of EU policy-making according to the neofunctionalists and the intergovernmentalists, and thus, highlights the increasing influence of supranational networks in decision-making (Marks 1993: 392). He refutes centralised decision-making in stating: “[c]entralized government is not well suited to accommodate diversity” (Hooghe and Marks 2003: 236). Bache remarks that, although MLG does make up for neofunctionalism’s disregard for other actors in its account of ‘non-state’ actors, it does - to some degree - overemphasise their influence on the subnational level when substate entities have not mobilised as previously envisioned. Bache asserts that member state gatekeeping consequently halts MLG (Bache 1998: 153). Thus, his notion of *multi-level participation* declares that although subnational entities participate they do not actually have a significant influence on the decision-making outcomes (Bache 1998: 155). The ensuing research questions his notions, and analyses regional effectiveness in transforming decision-making outcomes. Nevertheless, Bache makes the interesting assertion that “no single theory can explain the complex politics of policy-making in the European Union” and that the true challenge is applying relevant tools to understand EU policy-making (Bache, 1998: 157). The presence of informal lobbying channels - signalled by the literature - calls for an explanation to interpret them.

IV. Defining Informal Channels

The ensuing paragraphs draw on the literature of network analysis. The particular method will not be employed in the thesis *per se*, nevertheless, consideration of the literature is useful as it allows us to conceptualise strong and weak ties for defining networks. Strong ties are well-connected policy players and weak ties are policy players that do not have a large degree of mutual communication. They are relevant because they represent a manner to gauge how Basque institutions are able to have an impact on EU policy design, or at least to identify their high degree of activism in contacting EU officials. In addition, they can serve as a useful means to determine the degree to which the Basque institutions engage in information collection through their various contacts in Brussels.

Therefore, such ties are a methodological concern because they allow the measurement of the degree of influence through the interaction of informal contacts in Brussels. The subsequent paragraphs explain the adopted approach through a survey of the relevant literature. Granovetter cites Friedkin's study (1980) as the "most comprehensive attempt, in a scientific setting, to test empirically the validity of [his] arguments on weak ties". The study also coincidentally offers an important methodological consideration that is useful for the thesis. Friedkin sent questionnaires to faculty members in seven biological science departments of a large US university. If one of two scientists reported having talked to the other about current work, meanwhile, and the other scientist reported differently, then Friedkin deciphered it as a weak tie. Conversely, if both scientists stated that they had talked to one another, Friedkin defined their relation as a strong tie (Granovetter 1983: 217). The simplistic breakdown of Friedkin's conception of strong and weak ties assists the thesis' methodology.

The research will observe the strong and weak ties of regional governmental representatives with EU institutions and interregional organisations. In this respect, interviews and policy documentation evaluate relations to identify if one regional representative and one EU or interregional representative report to have communicated with one another about a co-related field of interest or a policy area. The method assists in identifying the pertinent ties of RLC policy and social networks. For instance, if a policy was formulated, especially after a contact or meeting between a Basque and an EU representative, and there is a strong tie between them, then this adds evidence to solidify an argument asserting that the Basque institutions influenced the formulation of a particular policy. Another example would be if RLC institutions had numerous interactions with EU officials - either through certain representational channels or specific policy

areas - then we may deduce that those areas are either salient policy areas (revealed by their interest in them) or areas where they are able to exert some influence.

Although the thesis will not engage in social network analysis, it is meaningful to highlight it as a literary contribution due to its consideration of connected groups of individuals that can influence policy. 'Whole-network studies' analyse sets of interrelated actors considered as bounded social collectives. Although bounded in some respects, network boundaries are often ambiguous and / or permeable (Marsden 2005: 8). Whole network designs are composed of various egocentric networks that surround each actor (Marsden 2002, 2003). Thus, egocentric network designs assemble data according to relations referring to a focal object ('*ego*') and objects ('*altars*') that link the ego, or in other words the relationships in their core of influence (or their given locality) (Marsden 2005: 8-9). The dissertation will utilise a whole-network design to reconstruct informal representational channels or the informal contacts of regional actors with various institutions. The thesis will define the representational channels that connect these actors ('objects') who are: members of the Basque government and parliament, EU-based institutions, interregional organisations, and Basque representatives within these organisations. Marsden (2005: 9) states that determining the sets of objects encompassing the network is a problem. Nevertheless, Laumann, Marsden, and Prensky (1989) offer three strategies to account for the obstacle: a positional approach, event-based approach, and a relational approach. A 'positional approach' offers insights useful for my research due to the fact that it groups actors according to formal membership criteria, i.e. formal membership in interregional, EU institutional, regional delegation offices, etc. An event-based approach is based on activity and relational focuses on social interconnectedness. The research may reveal that one event – or policy area – is the most effective, and thus, points clearly to the importance of a certain network or representational channel.

Everett and Borgatti (2005: 63-64) attest that membership or participation in a particular event – policy areas or organisations – connects actors and assists in determining the centrality or the interconnectedness of the different policy players. Their assertion proves helpful to the analysis because identifying participation in 'events' - such as: Commission working groups, AER, Calre, Regleg, or the CoR - aids in determining which actors have the most 'central' role, or are the most important contact(s) or channel for a given network (strong ties), or for a given policy area. Chapter four identifies the interregional organisations in which the Basque Country actively participates. The chapter evaluates the most important of them both in terms of levels of participation and their degree of influence on EU policy. Chapter five surveys the policy areas

where the Basque Country has attempted to gain EU visibility, and thereafter, it focuses on those where Euskadi has had the strongest impact on EU policy and decision-making. Krebs used a similar analysis is his categorisation of the different influences, which was followed by an evaluation of those factors to assist in determining their importance, or in other words, the degree of influence of the actors in the network (Krebs 2006). Therefore, it is possible to identify the ‘core’ and ‘periphery’ members of the representational networks. There are various pivotal institutions that are attempting to influence policy-making through these networks. The thesis’ goal is to clearly identify the networks of informal contacts, or more specifically, define the interaction of the Basque Country in the EU decision and policymaking process.

The preceding theoretical discussion and brief analysis of network literature calls for a case study region to test the theory of MLG. This region must have a strong administration that is able to affect EU decision and policymaking, or it would not provide a valid basis of examination of the approach. Hence, it must be a RLC, and the Basque Country is the most appropriate candidate. The following section justifies the choice before embarking on further theoretical analysis regarding informal channels in the following sections.

V. Case Study Justification: The Basque Country⁴

The ensuing section begins with the general consideration of why should one even study a RLC, finding where the thesis fills gaps in the existing literature, and therein justifying the Basque Country as the essential and most appropriate case study. The investigation’s starting point addresses RLCs, which distinguishes them as autonomous sub-state entities as opposed to purely administrative regions (i.e. the French regional structure). Smith recognises the constructed nature of nations for nationalist gains (Smith, 2001, 2004). Although the thesis does not look at nationalism, it is important to consider when interviewing nationalist political parties. Moreover, identification of ‘historic nations’ is important because not every region that calls itself a ‘nation’ is actively involved in EU policy and decision-making (i.e. purely administrative regions). This is quite simply justified because interaction at the EU-level requires: experience and expertise, personnel, time, etc, in given policy areas. Elias (2008: 485) notes that solely “the most entrepreneurial and well-resourced sub-state actors were successful in mobilising directly at the supranational level” (Balme and Le Gates 1997; Goldsmith and Klausen 1997; Jeffery 2000),

⁴ During the beginning stages of research for the thesis, other case studies were considered, including Brittany, Catalonia, Corsica, Galicia, Northern Ireland, South Tyrol, and Wales. I also contemplated the use of comparative approach that synthesised two or three regions. Nevertheless, an exhaustive study relying one strong region was sought to magnify its representational channels, rather than focusing on more than one case study region.

which complicates determining policy influence due to the plethora of lobbying players in Brussels (Greenwood 2003: 231). Thus, the dissertation suggests that all regions cannot be evaluated equally in terms of their influence at the EU-level. The work envisages the RLC's distinctiveness regarding its ability to influence the EU policy-making process. Smith states that the aforementioned territorial entities are differentiated as nations, and thus, their cases deserve careful analysis (Smith 2004). In addition to the functional nature of RLCs' defence of their competencies at the EU-level, their inclusion, promotes democracy through consensus and dialogue amongst political players in the EU, and it makes its policy directives democratic and robust with differing perspectives.

Heywood (1995) reveals an enormous gap in the literature acknowledging that the study of politics in Spain is primarily based on law, including both constitutional and legal issues. Thus, related works generally centre on broad outlines of Spain's political transition to democracy, economic factors, and social changes in post-Franco society. Hence, studies are rarely in-depth concerning the EU's effect on Spain, on EU membership, on policy processes at the national level and / or more specific sectors, such as those at the regional level. A tendency to focus on state centric models further highlights Heywood's observation, however, there have been recent efforts that include actor specific studies (Jones 2000: 12). Furthermore, studies of policy-making in Spain still tend to emphasise the authority of the central state. Jones (2000) does analyse "the role of the Spanish central state or government and its relations with other key domestic actors in the European Union (EU) policy-making process." (Jones 2000: 1) She, in fact, does not take a state-centric approach, and rather, focuses on the importance of the state executive and its influence, which she describes as increasingly shared across subnational, national, and supranational levels in a fluid policy process (Jones 2000: 16). Therefore, this signals a gap that the research question inquires upon. The thesis analyses a MLG system principally consisting of the central state, the EU, and RLC, and it focuses on the regional representational channels within this triple MLG structure.

MLG previously neglected other non-governmental actors such as: trade unions, business associations, and interests groups, which are the key focuses of Jones's academic work (Jones 2000: 17). Jones does identify formal channels of regional representation at Brussels, but does not focus on the regional governments' ability to informally represent their interests in the EU policy-making process, which conversely, is a key focus of the thesis. Instead, Jones says that the Spanish central government is only obliged to consider the regional position if the Autonomous Communities reach a common agreement, which she argues is due to the

hegemony of the central state in decision-making in Spain (Jones 2000: 82-84). Her point may be true, and Bache (1998) does reinforce her notion identifying central states as gatekeepers, but both works do neglect the possibility of informal contacts in Brussels that are outside the realm of control of central states. These informal contacts are an essential element whereby the RLC has an important impact on EU policy and decision-making. Concerning the hegemony and gatekeeping activities of the nation-state, Marks, Hooghe, and Blank (1996) address the impact of European integration on individual sovereignty of the member states in opposition to collective sovereignty in order to view its impact. Thus, there exists evidence of opposition in the literature concerning the unquestioned role of the member states in EU decision-making.

Jeffery (1997: 5) - elaborating on Stoker, Hogwood and Bullmann's model (1995: 55) - makes the distinction between different polities differentiating them between four typologies: classical unitary, devolving unitary, regionalised, and federal governments. He defines Spain as a regionalised government. He describes it as a state consisting of a directly elected tier of government with constitutional status, autonomy, and legislative power, which is the furthest reaching regional evolution in unitary states. It is useful to investigate a region that has experienced a certain degree of regional devolution whereby it has certain decision-making powers falling within its historic competency at the central state level making it a RLC. Additionally, its legislative power also enables the region to have a well-developed administrative capacity through its highly organised: government and parliament that are coincided with personnel and resources that empower the former.

The Basque Country is a distinctive Spanish region with historic legislative competencies and special constitutional status therein. There are relevant competency conflicts between Euskadi and the Spanish central state to give Euskadi impetus to acquire EU representation – in one form or another - in order to protect its existing competencies. The discrepancies between the Spanish central state and the Basque Country have existed for hundreds of years preceding the creation of the European Communities or the EU. Basque political representation is important within both Spain and the EU due to the region's high degree of historical autonomy. In terms of further research, Euskadi is an exemplary study because outcomes from the research can be applied to other RLCs, or used as a test case - for central states or for the EU - to evaluate similar regional issues. Some of the factors for its use as a model or point of comparison with other regions for further research, i.e. to be used as a subsequent model for further research, include:

- a) its status as a historic region with constitutional competencies
- b) similar population size to other EU RLCs (i.e. South Tyrol)

- c) its financial resources and large degree of personnel
- c) its participation associations with regional transborder or interregional organisations (i.e. Calre and Regleg)
- d) the presence of nationalist / regionalist political parties which possess EU-level coalitions
- e) a provincial / regional legislative chamber (i.e. the Basque Parliament)
- f) its general activism in several policy areas at the EU-level

Keating addresses the appropriateness of the Spanish polity for the purposes of the investigation in stating that Spain represents an example of the tensions arising when utilising a centralist approach to Community matters because there are powerful regional governments, but their effectiveness with regards to representation of their interests at the EU-level is another matter (Keating 1995: 12). The Spanish central government has traditionally controlled EU representation and denied direct regional intervention, however recent regional devolution makes the issue ripe for future research. The Basque Country is a historical region with outlying cultural and historical territory in France and Navarre. The term used to refer to the whole of the Basque Country as a cultural community is, *Euskal Herria*, or the land of the Basque people. It also has political connotations and was used by the Basque nationalists, both radical and non-radical. Although the territory may be idealised - by nationalists or cultural enthusiasts - to include the territory in Navarre and France and other outlying areas, the study's focus remains within the confines of the Basque Autonomous Community within Spain due to its governmental and parliamentary organisation, and the fact that the EU is recognised according to member states' existing territorial divisions. Moreover, the study would be exhaustive, if it were to analyse such an expansive territory, and would have to entail an extensive number of political and nationalist connotations that does not possess a single governmental and parliamentary unity. Therefore, it would be extremely difficult to identify shared policy areas, and a study as such, goes well beyond the confines of a single thesis.

Euskadi enjoys special status in the Spanish central state where it is officially defined as the Autonomous Basque Community wherein its historical laws (known as *fueros*) are recognised along with its special legislative competencies derived partly therein. There are two languages in use in the Basque Country, the official language of the Spanish central government, Castilian Spanish (*castellano*), and its own native language, Euskera, which has co-official status and is used invariably with *castellano* by the Basque government. There is a wide ranging debate on the language issue. Many civil service occupations in the Basque Country require proficiency in

euskera, which is be controversial when considering a Spaniard from another part of Spain, who lives in Euskadi and does not speak the language. However, the issues surrounding the language topic involve nationalist politics and surpass the confines of this work due to their complexity and they diverge from the research question at hand. In terms of case study justification, focusing on one region permits an in-depth analysis considering the three entities: the central state, the EU, and the regional governance systems, and the identification of networking channels and specific policy areas.

It is important to outline why Euskadi is distinct and an important candidate for examination within Spain. The Basque Country is one of Spain's seventeen Autonomous Communities, which are subdivided into fifty provinces (with two autonomous cities)⁵. Along with Catalunya and Galicia, the Basque Country is one of Spain's historic regions with special legal privileges under the Spanish Constitution (1978) and its own Statute of Autonomy of Euskadi, the Statute of Guernica (*Estatuto de Gernika*) (1979). However, at the moment the statute is controversial due to Basque contemporary aspirations concerning reform. The Basque Country obtained the opportunity for official Autonomous status under the Spanish Second Republic (1931-1936) and passed its Statute of Autonomy in 1936, but these newly found powers were lost due to the commencement of the Civil War in this same year and lasted until 1939 (Muro 2005: 578). The Basque Country under Franco witnessed periods of attempted assimilation. In the Basque Country, Castilian Spanish was the only official language as Franco's dictatorship (1939-1975) suppressed Euskera's use. His dictatorship suppressed Basque culture and language and also engaged in political repression through harassment, imprisonment, and the outlawing of its government. However, the Basque government continued to function clandestinely during these years. Additionally, the youth organisation *Egin*, which was the last precursor to the terrorist group ETA, was established in 1959. Spanish civil society accepted ETA's terrorism at first as a reaction to the Franco dictatorship. Nevertheless, as the violence continued into the Spanish democratic transition of the 1980s Spanish politicians and public perceived ETA in a much different manner scrutinising it. Basque autonomous rights were not re-established until the Constitution (1978) and the current Basque Statute of Autonomy (1979). Although language is not a deciphering factor of a historic region, nor a preconditioning factor for a region with constitutional competencies, the salience of a language in a given territory demonstrates that there is at least a differentiating factor due to the presence of a cultural, ethnic, or historical community, and thus, worthy of further research. In the Basque Autonomous Community, 55.4

⁵ The autonomous cities are Ceuta and Mellila, which are not considered provincial units.

per cent of its inhabitants (1,153,753 people) speak Euskera out of a population of 2,082,587 (Eustat 2003; Eustat 2002).

The geographical and historical area of *Euskal Herria*, the land and the Basque people that share Basque culture, includes the Basque Autonomous Community, the French Basque Country, plus the Foral Community of Navarre. This geographical zone possessed certain historic laws called *fueros*, which differentiated these territories historically from the rest of the surrounding area. Additionally, the Basques and Navarrese speak Euskera (Basque), a language whose roots are non-Indo European. The origins of Basque are unknown, but dissimilar to other peninsular languages that have Latin origins, Asturianu, which is rooted in Bable, Catalan, Gallego, Portuguese, and Valenciano, Euskera is a non-Romanic language. As aforementioned, the three historic Autonomous Communities (Catalonia, Euskadi, and Galicia) have certain historic competencies reserved through the Spanish Constitution (1978) and / or their individual statutes of autonomy. Euskadi - along with Navarre - has certain tax power not afforded to the other Autonomous Communities through a special fiscal arrangement, the *concierto económico*. The Basque Country raises its own taxes, and it additionally has its own police force (*Erzaintza*). Lecours and Moreno (2002: 10) describe this system stating Euskadi and Navarre possess a system of “fiscal quasi-independence” allowing them to collect main taxes, including income tax, corporation tax, Value Added Tax (VAT), and additional special taxes (i.e. gas, spirits, and tobacco).

As aforementioned, the dissertation does not explore the political and territorial issue in Navarre. Rather, it focuses on regions already delineated politically under EU member states’ existing territorial structure. The research question surveys the most important policy areas for Basque political participation to evaluate their correlation with similar policy areas at both central state and EU policy and decision-making arenas, which is revealed through interviews embodied in the study’s methodology. The Basque competencies, which may be under-represented in respondents’ perspectives either at the central state level, EU-level, both, or neither, make Euskadi a perfect candidate for case study because regional competency conflicts occur partly due to the complexity of the member state’s territorial construction. In fact, Euskadi has one of the highest competency differentiations when compared to the other RLCs in the EU, thus, making it an overtly appropriate test case.

Recent events within the Basque Country have implications for the Spanish central government and the EU in a structural governance sense, and demonstrate a call for institutional change towards MLG. According to an interviewee from the Basque Delegation in Brussels:

The Ibarretxe Plan⁶ appears to represent the demands from a broad range of Basque political parties, including those from the most extreme (left or right) parties desiring Basque independence, and conservative parties, thus, it encompasses political opinions and claims from all the parties from left to right of the Basque political spectrum. The Plan is pro-EU in its discourse, and it questions the current traditional nation-state structure within its demand for an associational relationship with the Spanish central state (Interview, Delegation of Euskadi, Brussels, 2005).

The interviewee remarks on the complexity of the Basque political balance and hints at the change in the structure that the Ibarretxe Plan proposes. The thesis assumes that the impetus proposed by the Plan reflects a wider process of MLG. It raises many other questions, which are discussed in subsequent chapters, but for the purposes of this initial chapter, the Plan is more important for justification purposes of the Basque case study. The Ibarretxe Plan gives an idea of how far Euskadi is willing to push the limits of the current central state / EU dynamics to both be part of the EU and have 'associational status' with Spain. In effect, it proves a change in the current MLG structure. The dissertation also shows in later chapters how the central state is reacting to changes provoked by EU integration and as a result a greater level of informal representational channels. Hence, the Basque Country is a test case exhibiting a region that pushes MLG to its limits.

Therefore, the dissertation's overall importance for further research is that it represents a testable study applicable to other EU regions. It demonstrates what a region is able - and willing - to achieve in the EU policy and decision-making process vis-à-vis regional autonomy, independence, and in effect implicate change on the existing MLG structure. The state of flux with MLG in the EU offers an opportune moment for researching if Euskadi is destabilising the traditional nation-state system by grasping as much competency as possible or revealing that it is solely maintaining its historical competency areas, which is where the research question originates, and therein evokes further questions. The dissertation explains the above-mentioned change in governance structures concerning the RLC, the central state, and the EU, and its implications for MLG as a whole.

Marks and McAdam identify factors shaping EU constraints and opportunities: a) the structural access that a group has to the EU, and, b) the EU's general receptiveness to a particular group's

⁶ The Ibarretxe Plan (2003) is a proposal for the reformation of the Basque Autonomy Statute. The Basque Parliament approved it on 30 December 2004, but the Congress of Deputies (Spanish CS legislative chamber) rejected it on 1 February 2005..

demands (Marks and McAdam 1996: 258). The Basque Country serves as an interesting case study because it is a region with structural access to the EU, and reciprocally, the EU is receptive to its attempts to consolidate mutual relations, as mentioned with the previous evidence of the Commission seeking expert advice, for instance. Their collaboration will be further outlined in subsequent chapters. In addition, there is also a volatile form of regional nationalism in Euskadi, which could have diverse implications - with regards to MLG in the EU - if the nationalist movement elevates its desire for independence from Spain.

The dissertation questions MLG in the EU regarding the role of the regions vis-à-vis the central state and the EU, and additionally, the changing character of decision and policymaking processes with respect to the competencies of: EU, central state, and RLC entities. In defining and explaining MLG, Hooghe and Marks (2004: 16-17) describe the importance of jurisdiction for defining the organisation of a MLG system through which they consider two separate types of MLG. The following paragraphs discuss these two types with relation to Spain and the Basque Country.

Hooghe and Marks (2003) define 'Type I' MLG as a federal governance structure. Spain is not a federal state, and although its government organisation does seem to resemble some elements of 'Type I' governance at first glance, 'Type II' seems more appropriate. Hooghe and Marks state that 'Type I' consists of power sharing amongst a limited number governments at few levels (2003: 4). Spain's territorial structure consists of seventeen Autonomous Communities with three (Catalonia, Euskadi, and Galicia), possessing additional jurisdictional powers setting them apart from the other Autonomous Communities. However, the dispersion, lack of centrality, and competing jurisdictions between Euskadi and the central government in public service sectors (i.e. policing and public health policy), makes their relationship resemble that of a 'Type II' structure. Additionally, the transnational nature of Euskadi between France and Spain, which is essential under certain economic development projects funded by the EU Commission's Directorate General (DG) of Regional Policy – called Interreg programmes - and joint efforts between city and provincial councils, further postulates its status as 'Type II', i.e. the Interreg projects and the Basque Eurocity Bayonne – San Sebastian, which will be elaborated on in subsequent chapters.⁷

⁷ Although the specifics are not completely relevant, the point is that this is an urban planning coordinating crossborder economic development projects between the provincial government of Guipuzcoa and the Community for the Agglomeration of Biarritz-Anglet-Bayonne; see: www.eurocite.org/upload/documents/FR/txt_officiel/Textos2004/Memoria2003fr.pdf accessed 25 June 2007)

Therefore, in relation to Marks and Hooghe's definition, the Basque Country falls between 'Type I' and 'Type II' with more resemblance to the latter. The central Spanish government has limited government jurisdiction over Basque citizens, or rather, there are a plethora of institutional entities with overlapping and sometimes conflictual jurisdiction in Euskadi. The multiple institutional authorities with power in the Basque Country, in order from lowest regional level to that of a supranational, are: municipal governments, provincial governments (*Diputación foral*),⁸ the Basque government, the Spanish central state, and the EU. Each has a certain degree of competency and jurisdiction regarding a variety of issues, thus leaning towards a 'Type II' governance classification.

The overlapping combination of various political levels (EU, central state, and region) causes additional confusion over legislative competency jurisdiction. Thus, the relationship between all three aforementioned governance entities (EU, central state, and region) resembles a 'Type II' structure. Hooghe and Marks define it as an alternative MLG where jurisdiction functions at various territorial levels, or is 'task-specific and versatile'. They define the EU under these terms and state that 'Type II' encompasses many jurisdictional levels and has a flexible design (2003: 6). The EU exhibits this structure through its number of treaties and their amendable capacity. In addition, the EU governance system is in a state of flux or evolution. Europe is also full of exceptions through the existence of historic enclaves, special districts, and microstates, which have some tax and other certain rights that differentiate them from their central state, which the EU also recognises. Nevertheless, for the purposes of the dissertation, it is impossible to provide a thorough analysis including interviews and a detailed study of all five previously stated levels of governance⁹ within the confines of this single work. Thus, the dissertation focuses on top-down and bottom-up interactions and relations emphasising the Basque government, Spanish central state, and the EU with the intention of defining the primary competency clashes and conflictual policy areas to evaluate if this changes the character of MLG.

The previously cited works assist in justifying this doctoral thesis, which analyses power-sharing and decision and policymaking relations between a RLC within their central state, and additionally RLCs' relationships with the EU considering both formal (central state facilitated), and also diverse informal contacts. The purpose of this double analysis is to discover what is the

⁸ The three provincial governments (*diputaciones forales*) are seated in each of the three Basque provinces of: Álava, Gipúzcoa, and Vizcaya, each of which has its own parliament.

⁹ Municipal governments, provincial governments, the Basque Government, the Spanish central state government, and the EU

most effective channel - or combination thereof - of influence for RLCs to have an impact on the EU policy and decision-making processes. Jeffery (1997) presents MLG as an alternative conceptualisation of the EU away from functional / supranational and realist / intergovernmental schools. The previously mentioned schools of thought analyse the EU policy arena in terms of national and supranational institutions whereby they are attributed as paramount. Thus, another theoretical divergence exists within these approaches that fails to explain the impact of subnational institutions on the EU. He justifies the thesis' approach stating that the focus of MLG has been more top-down than bottom-up, and the fact that the creation of EU competences has promoted demands and strengthened the case for subnational entrance into the EU policy arena (Jeffery 1997: 184-186). Hence, one of the following aims of this study is to explain bottom-up relations encompassing an identification of what institutions regional actors rely on to effectively influence EU decision and policymaking, either through their respective nation-states, or conversely, circumventing them through informal contacts and expertise.

The dissertation focuses on policy players who represent central state, EU, or regional entities seeking to influence EU decision and policymaking through the aforementioned informal or formal channels. It uses an actor-centred approach, as opposed to analysis based solely on member states' facilitation of representation of regional demands through formal avenues. The investigation does not use theories that overly emphasise the national governments' role as omnipotent actors, which intergovernmentalism assumes (Hoffmann 1966). Accordingly, Hoffmann focuses on a realist conception of national governments in which they are gatekeepers and the ultimate arbitrators of key decisions. These theories, incorporating realism and neo-realism, are state-centric in their analysis, which poses limitations when analysing meso-level regional participation, and hence is not used in the analysis. Moravcsik describes a two-stage theory of preference formation and intergovernmental bargaining. It relies on the liberal theory of preference-formation combined with an intergovernmentalist focus on hard power bargaining among states, thus it is coined liberal-governmentalism (LI) (Caporaso 1998: 346; Moravcsik 1993). The core assumption is that states read the preferences of society, and then aggregate them into a preference function for heads of government. Thereafter, heads of government negotiate these preferences in international forums. Liberal-intergovernmentalism takes integration theory away from international relations towards comparative politics (Moravcsik 1991). Therefore, for this study, liberal-intergovernmentalism proves ineffective because of its emphasis on states - or the heads of state - as rational self-interested actors that aggregate the demands of society (or regions in this case). The thesis, in fact, puts more importance on the

informal lobbying power of a number of non-state or substate entities on having an impact on international forums and institutions.

MLG makes a distinction between institutions and actors. The state is seen as a set of institutions, rather than a unitary actor, which constrains political actors or agents (Marks 1997: 22). Therefore, utilising elements of MLG, the work seeks to focus on the agents in EU decision-making that emphasises actions of groups and individuals – as key actors, which is coined ‘actor-centred approach’ (Marks 1996: 8). The contrary considers that the state is as a self-interested single entity and does not account for the various individual actors. Marks asserts that we cannot assume that government leaders act to defend or strengthen the central state or particular characteristics therein because EU negotiations are between actors representing states, rather than negotiations among states as unitary players (Marks, 1997: 34). Thus, Marks (1996; 1997) argues that the actor-centred approach Marks (1996; 1997) is significant for explaining the interaction of regional actors’ informal ties at the EU-level. An actor-centred approach is a valuable analytical tool because political actors establish political rules, but they can also change them, hence, actions of individuals or groups of individuals must be analysed as the causal link between macro processes and key actors (Marks 1996: 8; 1997: 22-23).

VI. Institutional Considerations

Since this work makes several references to institutions, the following paragraphs consider some new-institutionalist assertions that consider the constructivist nature of institutions. It is meaningful to discuss these approaches due to some of their interesting perspectives where they are related to the study. However, their general drawback is primarily due to their broad definition of institutions. The following analysis of the new institutionalist literature begins with its general notions, compares it with other EU integration approaches, and then continues with a more detailed analysis focusing mainly on historical institutionalism because it is the institutionalist approach most related to the investigation.

New Institutionalism considers institutions to be extended formal governmental organs that include “standard operating procedures”, which include so-called soft laws, norms, and conventions of behaviour, which are included in the new institutionalist writings of March and Olsen (1989; Bulmer 1994: 356). These studies set quite broad parameters for institutions, which is primarily why the dissertation does not rely on a new institutionalist approach. The investigation asserts a formal definition of tangible institutions as governmental or non-

governmental organisations in order to provide boundaries to the study, whose subjects of inquiry include regional, state, EU organs, interregional organisations, and lobbying groups. The power of these institutions to have an impact on the decision and policymaking arena is the reason for choosing these institutions, which is discussed later in the methodology chapter. New-institutionalism shares assumptions with institutionalists from international relations (IR) in their attention to institutions as an essential consideration in studying politics. Keohane reveals that institutions represent ‘persistent and connected sets of rules (formal and informal) that prescribe behavioural roles, constrain states and shape expectations’ (Keohane 1989: 3; Bulmer 1998: 5). The approach is deemed “new” because the approach has a more ample interpretation of what constitutes an institution compared to earlier IR-based institutionalism. Therefore, new-institutionalism includes less formalised areas of politics and not only constitutional legally based institutions in its analysis. Thus, it concentrates on the ‘policy community’ and ‘policy network’ literature - connecting institutions (that are formalised ones) with: actors, expertise, and interest - in given policy sectors (Peterson 1995; Bulmer 1998: 5).

Historical institutionalism focuses on formal and informal institutions where system change is negotiated. The approach “presupposes no particular teleology of development”, thus, the approach is not about the finality of nation-states as winners or losers (a zero sum game). Instead, historical institutionalism utilises explanation through hypothesised and suggested causes, i.e. it analyses the manner in which negotiations shape the result and the reconstruction of the state or state authority (Bulmer 1996; 1998: 7). Pollack describes EU integration as a path-dependent process and that it is important to specify under what conditions EU member states - can or cannot - contain or drive the effects of those ‘unintended consequences’ (which functionalists consider) on the subsequent ‘path’ to EU integration (Pollack 2004: 142, 151). Pollack reveals a gap in the literature, and hence, challenges future historical institutionalist scholars to study this path of EU integration. He proposes the use of precise models of EU institutions and an examination of those models utilising both qualitative and quantitative empirical approaches to explain the path-dependency of EU institutions and policies over a period of time (Pollack 2004: 151, 157). The thesis’ methodology relies on qualitative interviewing to uncover the policies, EU directives, regulations, and opinions that the Basque Country was able to influence through its formal and / or informal channels. Thus, utilising the interviews to find leads to the empirical data or actual policies whereby they have made an impact. It investigates MLG in the EU in its current state of change and innovation. In a different respect, the primary research question, restated, inquires how does the establishment of

these contacts and channels (regional offices or its activity in interregional organisations) affect the regional:

- Consultative role
- Direct representation
- Informal channels

in policy / decision-making, or how these events affects a MLG structure as a whole. As a general comment to evaluate the value of institutionalism for the thesis, new institutionalism and institutionalism are more adequate approaches to describe the variation in governance organisations or societal norms rather than policy change. The approaches concentrate on specific policies or organisations' structural changes. This work is more concerned with how the Basque governmental and parliamentary entities can have an impact on policy, and thus, MLG appears to be a more effective theory to explaining the phenomena.

VII. EU Policymaking: Regional Circumvention: MLG and Informal Contacts and Networks?

To sum up the previous discussion on theoretical approaches, as opposed to intergovernmentalist accounts that focus on interstate bargaining, the thesis does not negate that interstate negotiations are important factors to consider for evaluating influence, but simply that there are other factors of consideration for gauging influence on EU policies. Christiansen (1998) describes this as the move from research that focus on 'interstate bargaining' to studying 'politics within an emerging polity' (Christiansen, Jørgensen, and Wiener 2001: 11). Concerning gaps in the literature for the thesis, Christiansen, Jørgensen, and Wiener (2001: 12) state that 'social ontologies (norms, institutions, practices, etc)' offer a wide variety of investigatory phenomena. I will now consider MLG as a manner to describe informal networks at the EU-level.

Peterson argues that the EU is shifting towards network-type governance (Peterson 2003: 19). In this regard the dissertation steers away from neofunctionalism and intergovernmentalism, and rather, expounds on informal contacts and representation in the context of a MLG system. Informal contacts, especially those that Brussels-based Regional Information Offices (RIOs)¹⁰ engage in, are of major significance for regional influence at the EU-level. All seventeen Spanish Autonomous Communities have regional offices in Brussels representing varying interests and possessing different competencies, functions, and influence in EU policy and

¹⁰ These have many specific names that depend on each region's preferences – sometimes even the CS depending on the region's autonomy – for the exact title and diplomatic / legal functions. For instance, it is called the 'Delegation of Euskadi' in the case of the Basque Country. RIOs is the general term referring to these offices / delegations that represent the region – usually regulated by the regional government – before the EU in Brussels.

decision-making. Nevertheless, these offices offer regions (varying degrees) of formal and informal avenues of input into the EU policy process, as inquired in the research question.

Social Network Analysis (SNA) is an extremely interesting approach for investigating the contacts, relationships, and relations between the regions and the EU especially concerning its terminology, which may be of use when describing them in the thesis. Nevertheless, the complexity of SNA's mathematical equations has limited value in explaining and judging the importance of the complex social reality of informal relations. The thesis takes a more essentialist ontological stance, in the sense that it considers institutions or informal contacts as being socially constructed, and in this they integrate, evolve, and cannot be evaluated only through mathematical means. It is much more valuable to consider other factors involved that MLG accounts for in its inclusion of informal networks, which emphasises other non-state actors – unlike intergovernmentalism.

However, the following paragraphs will discuss SNA because its terminology offers interesting considerations for the analysis and definition of regional players' influences in Brussels. The methodology chapter further explains the interview approach of the thesis. SNA involves the mapping and evaluation of interactions between groups, organisations, and people. It is not a necessary approach, for this study, due to the theory's expansiveness in describing each channel. Instead, the thesis will evaluate what are the most effective forms through which the RLCs can influence EU policy and decision-making, and in this process. It is indeed important to map the contacts - to a limited degree - in order to show how MLG functions, but not to the exhaustive extent as SNA does with its mapping. For example, regular Brussels lobbying practices, in which a regional delegation maintains constant contact with an individual, would be drawn out in a diagram in the thesis' case to create a model. It would demonstrate regular contact through nodes that denote interaction in, for instance, the Kite Network model (see Krackhardt and Krebs 2005). In effect, the research outcomes would determine the centrality of a particular individual or groups related to their accomplishment of certain actions / policy objectives at the EU-level through the below factors (a – f). Nonetheless, it would go beyond the limits of one thesis to chart all the contacts of the representatives (EU, central state, the Basque Country). Rather, the dissertation's aim is to find the policies that were contrived through Basque influence, and decipher how this was done and through what formal and informal means, and the Basque institutions' ability to influence a range of policy areas and why SNA is an exhaustive analysis and covers a range of factors including:

- a) Degree centrality – number of direct connections of an individual / organisation

- The nodes show the number of contacts
 - Certain individuals are denoted as 'hubs' or 'connectors'
 - b) Between centrality
 - Identified as 'brokers' – without these actors, certain other connections are not possible
 - c) Closeness centrality
 - May have fewer connections, but direct and indirect ties allow access to all nodes (individuals) of the respective EU policy network
 - d) Boundary spanners
 - Individuals that have more expansive connections or access to ideas and information flows
 - e) Peripheral players
 - May have low centrality, but may have connections to unmapped players
 - f) Network centralisation
 - A centralised network is not always the best – if nodes are removed or damaged, then the network may fragment into unconnected sub-networks, and thus, the informal contacts of individuals/groups within the network become less effective
- (Krackhardt and Krebs 2005)

The thesis will not address each factor *per se*, but they serve as points of reference to observe informal networks. Weak ties are also an important consideration. They are easier to define and they can be perceived as a form of influence on EU policy because they can involve meetings and conferences between officials at divergent levels where a broad range of perspectives are considered. In justifying the investigation of informal channels, various authors reveal that communication through these lobbying avenues can be highly effective. Peterson utilises Granovetter's 'strength of weak ties' argument, stating that loosely constituted networks of communication are, many times, extremely effective and even 'weak ties' - or acquaintances through which information diffuses through a policy network - are an effective means of time investment (Peterson 2003: 20; *see also* Carpenter, Esterling, and Lazer 1998: 418–9; and Granovetter 1973). Even though they may not be direct or a highly effective means of influencing policy, weak ties can be instrumental in information collection and dissemination to be informed on upcoming legislation and present perspectives on policies. Peterson differentiates between the EU's distinctive policy design, which he identifies as "the netherworld of officials, lobbyists and experts" that is divergent from the formal political realm of ministers and parliamentarians (Peterson 2003: 20). Marks supports Peterson's assertions adding that EU negotiations take place between actors representing states rather than being a matter of negotiation among states (Marks 1997: 34). Thus, it appears important to engage in a study identifying these informal actors and their respective networks. Hence, the principal research question looks at informal ties in the EU policy-making process. The following paragraphs regard Granovetter's 'strength in weak ties' argument, which forms an essential element of

social network literature, which is used to demonstrate the strength of informal contacts in recent studies.

Granovetter's (1973; 1983) argument, the 'strength of weak ties' can be applied to illustrate links between policy players. The theoretical notion:

“asserts that our acquaintances (*weak ties*) are less likely to be socially involved with one another than are our close friends (*strong ties*). Thus, the set of people made up of any individual and his or her acquaintances comprises a low-density network (one in which many of the possible relational lines are absent) whereas the set consisting of the same individual and his or her *close* friends will be densely knit (many of the possible lines are present).” (Granovetter 1983: 201-202).

Granovetter reveals that weak ties are more prevalent in connecting people, i.e. forming various networks, providing them with information access and resources beyond their social group or existing network than strong ties. Thus, he notes the importance of weak ties for obtaining information. Nonetheless, he does not deny that strong ties still possess value and are more easily accessible (Granovetter 1983: 208-209). It is relevant to mention that he does not argue that all weak ties are important, rather, that their significance lies in their ability to act as bridges, which is more likely to occur with weak ties as opposed to strong ones.

Granovetter reveals literary gaps for further research in the search for the origin and development of bridging and non-bridging ties (Granovetter 1983: 229). The research question develops on the aforementioned literary gap in revealing further ties and evaluating their effectiveness in the policy and decision-making process, and in effect, surveying formal and informal relations at the EU-level. Hence, it enquires on these ties and their significance, or effectiveness, in identifiable policy areas. Furthermore, Granovetter credits network analysis with distancing itself from static analyses that observe a system at one particular moment, and instead, pursue systematic accounts of how such systems develop and change (Granovetter 1983: 230). The dissertation looks at contemporary EU ties and the system's evolution through the process of EU integration in its current flexural state. Therefore, the timeframe is roughly from the Maastricht Treaty (TEU) to the present, including considerations of important changes with respect to the EU Draft Constitution and the subsequent ratification of the Treaty of Lisbon (2007) and the Protocol on the Application of the Principles of Subsidiarity and Proportionality (2004). They are important because that have implications on regions, in their empowerment of the CoR, concerning its role, and that of the national parliaments, to ensure that EU institutions have considered subsidiarity in the formation of their policies. Therein, it gives the CoR and national parliaments credibility to evaluate cases concerning breaches of subsidiarity, and present them to the European Court of Justice (ECJ) for evaluation.

Rhodes, Bache, and George (1996) consider SNA and informal contacts in the EU, critically assessing policy networks and policy-making in the EU. Although within Spain, lobbying political parties or individual legislators (Senators or Deputies) is not an effective manner to have an impact on the policy-process according to Heywood (1999b: 115), he does however highlight the existence of meaningful policy networks at the EU-level. Discourse, the spreading of information, and therein policy positions are crucial objectives of lobbying, and its promotion of further integration. Tatham (2008) posits that informal negotiations are a form of influencing EU policy. He refers to one of his interviews with a senior Commission official who stated:

a regional minister has an impact on negotiations by just being in the Council. His/her mere presence indicates that there is an issue on the agenda that the member-state minister who will be much more inclined to demonstrate an obligation to fight for the interests of the region present, and not just the member state in general. (Tatham 2008: 500)

Tatham illustrates the salience of information and representational channels as a form of regional officials to present their policy postures to the EU institutions. Other authors comment on the growing group in the EU that speak the same specific / technical language and have created professional lobbying insiders, who constantly use the language of 'Euro-speak' (language used to describe EU processes, i.e. subsidiarity, spillover, etc.) (Christiansen, Jørgensen, and Wiener 2001: 15). Heywood identifies important Spanish policy players at the EU-level illustrating that personal contacts are extremely important at the EU-level between the Spanish: Permanent Representation (Coreper), the State Secretariat for European Affairs, and the Ministry of Foreign Affairs (Heywood 1999b: 116). He asserts that the regions may be circumventing the member states, and therein establishing direct relations with the EU (Heywood 1999b: 117). He divulges that not only the central state based institutions are important, and he justifies the adopted MLG approach in his testimony. Therefore, the dissertation identifies the formal and informal channels of representation for Euskadi in the EU and their effectiveness.

VIII. Lobbying in the EU

After having considered various theoretical approaches, the ensuing section surveys literature on lobbying in the EU to determine the literature's relation to the thesis. Pedler's volume of fourteen case studies (Pedler 2002) offers a useful analysis, but focuses mainly on economic, i.e. environmental, market, and above all, state centric considerations in lobbying. He illustrates that in the EU context, lobbying includes member state governments with separate political agendas and third-country governments seeking influence in the EU (Pedler 2002: 1). Pedler further mentions the state of flux of the EU and the emergence of new issues concerning both business

and issue groups underlining e-commerce, environment, and the increased flow of regional and structural funds in the EU. (Pedler 2002: 1). Non-Governmental Organisations (NGOs) - *known collectively as civil society* - have also gained influence in issue groups (Pedler 2002: 3). Regional issues include Japanese lobbying in the EU due to their large economic reliance on FDI. Chapter ten (“Chiquita Declares War and Wins: Bananas- Trans-Atlantic Trade Dispute”) discusses the trans-Atlantic Chiquita dispute involving WTO procedures. Other regional considerations involve such groups as Interreg, and as an example, the CoR invites Caster steering group’s political members to participate in their CoR discussions (Ineke van der Storm 2002: 237). It is a purely economic regional group, which is a network of local and regional authorities representing interests of European cities, regions, and steel towns (Ineke van der Storm 2002: 229). Thus, Pedler’s edited volume offers interesting insights through its focus on interest groups that lobby the EU institutions and their primary focus on economic related issues.

Pedler states that the choice of case studies raised and answered a series of questions with general application and they offered a useful context for study (Pedler 2002: 310). The questions have been reformulated to fit with this work’s research design. For example, Pedler refers to trade associations and queries whether alliances have proven advantageous and / or effective in their respective policy areas (Pedler 2002: 310). Similarly, the thesis probes whether or not the regions represent themselves, and if so: which policy areas, through which institutions (i.e. their central states, the EU, interregional organisations, regional offices), and which are the most effective institutions and policy areas. Pedler deliberates if the policy areas have changed in the past ten-years, how will they continue to change, and what does this tell us about changes in the institutions and processes of the EU (Pedler 2002: 310). Thus, the author implements a more institutionalist approach, as opposed to this work’s MLG perspective. The dissertation studies the EU in a state of flux and the overall implication of regional representation and the effects of the change - or non-change - on policy and decision-making on MLG.

Pedler discussed a series of findings that the case study proved. He describes the EU institutions and the significant role of lobbyists therein. The European Parliament (EP) proved to be an effective and powerful formal institution in terms of co-decisions and comitology decisions, which lobbyists realise. As a consequence, they are making a significant presence as policy players at the Council. He also found that the Commission formally lost power, but remains a motor of the EU system and a priority of effective lobbyists. Other groups, namely interregional organisations, are progressively having an impact on EU institutions, exercising it either formally or informally. Pedler reveals that alliances are key to achieving influence, and people

who gain impact upon the lobbying process, are those who recognise these aforementioned changes (Pedler 2002: 323). Thus, for a general value emphasising the importance of lobbying, Pedler raises essential questions and ideas for the thesis. However, instead of focusing on economic issues and trade association lobbying, the dissertation emphasises the lobbying efforts of RLCs in the EU.

Bulmer advances that it is essential to analyse EU inter-institutional relations because they assist in defining the power balance between the bodies concerned (Bulmer 1994: 359). The Commission has a substantive role in inter-institutional relations acting between: the Council, the European Parliament, and member state governments. Additionally, it acts as a Justice and Home Affairs (JHA) observer, which is a highly instrumental area because justice, freedom, and security are new areas of EU competency and share the right to make legislative proposals with the member states (European Commission 2009a). The Commission's role is a notable example of its paramount role in certain policy areas and in this case, JHA. Directorate-General (DG) for Justice, Freedom and Security makes proposals concerning EU legislation and manages to legislation that the Council of Ministers adopts (European Commission 2009a). The 'comitology' issue is also an important consideration for inter-institutional analysis. 'Comitology,' in this respect, relates to the range of committees utilised in policy management at the EU-level. The thesis questions if the Basque government is able to rely on the gap to benefit from lobbying opportunities, enabled by comitology, and the plethora of institutions, which results in an inroad or channel to the EU decision and policymaking process through lobbying, working groups, etc. Bulmer (1994) reveals the importance of in-depth investigation regarding these committees and interest groups. For example, the Commission, with its governmental departments or Directorate Generals (DGs), reflects a fragmented institutional design. Considering this fact, the Commission's various DGs have distinct mission statements with overlapping competencies, i.e. DG Competition and DG Energy and Transport may have to engage in interface in certain policies, i.e. regarding airports because commercial, environmental, and transportation matters are involved. Thus, both may deal with an issue concerning airlines when, on one side, it involves trans-European transportation competencies, but concerning business interests, DG Competition has jurisdiction (Bulmer 1994: 359).¹¹ These

¹¹ As an important side note, the Commission's DGs are no longer named with roman numerals, rather they are named specifically according to their eighteen respective policy areas. Currently, the sixteen DGs are: 1) Agriculture and Rural Development, 2) Competition, 3) Economic and Financial Affairs, 4) Education and Culture, 5) Employment, Social Affairs and Equal Opportunities, 6) Enterprise and Industry, 7) Environment, 8) Executive Agencies, 9) Fisheries and Maritime Affairs, 10) Health and Consumer Protection, 11) Information Society and Media, 12) Internal Market and Services, 13) Joint Research Centre, 14) Justice, Freedom and Security, 15) Regional Policy, 16) Research, 17) Taxation and Customs Union, and, 18) Transport and Energy. See the Commission's website: http://ec.europa.eu/dgs_en.htm (accessed 25 July 2007)

are important justifications for the thesis to recognise and thoroughly contemplate the interactions of the regions with various EU institutions coinciding with the dynamics of inter-institutional relations in order to identify openings for influence. Thus, in this case the Basque government would be taking advantage of the fragmentation or overlap within the EU institutions to circumvent the central state.

Marks and McAdam recognise a supplemental factor of the regional governments' ability to mobilise itself at the EU-level. They state that weakly articulated subnational governments, such as those in Ireland, Portugal, and Greece, have a tendency to be absent in Brussels. Yet, regional distinctiveness is a motivation alone for regions to act autonomously at the EU-level. (Marks and McAdam 1996: 265). Thus, regions with high administrative capacity or those with historic and legislative competencies, such as the Basque Country, offer an opportune case study to probe the issue further. In addition, the authors emphasise that regions may act in Brussels to prevent their central state from dominating their regional position in a respective "national political position" presented in Brussels (Marks and McAdam 1996: 265), which further highlights the idea in the previous paragraph, that the RLC relies on the EU institutions as a tool for circumventing the central state. Jones further illustrates that the influence of domestic actors depends upon: information, power, resources, and visibility that allow them an entry to the policymaking process (Jones 2000: 51). Hence, the authors' findings correlate with the aforementioned notion that high administrative capacity is a factor contributing to formidable influence at the EU-level.

John also analyses EU relations, rejecting a solely top-down policy analysis, and rather, he suggests that policy does not only emerge from high-level governmental departments. Rather, he accents the role of subgovernmental agencies and interest groups and their ability to add their input to the EU decision-making process (John 1998: 30). Gibbons (1999: 124) defines policy networks as a manner of identifying the relations between "interest groups, government departments, quangos and a variety of policy actors", which influence the policy process. Accordingly, there are two primary types of analyses within the study of policy networks and policy processes. Firstly, Rhodes and Marsh assert that 'policy community' are a limited number of actors with relatively balanced power and resources, that they possess similar economic interests, and have shared values. Secondly, they classify 'issue networks', a related concept, that embodies a larger number of participants with more extensive and varying contacts, interests, power, and resources (Rhodes and Marsh 1992). The Basque government would constitute an issue network with a large number of contacts and financial resources. Hill (1997:

72-73) also makes an important distinction between ‘policy networks’ and ‘policy communities’ categorising communities as more powerful than networks. The dissertation puts emphasis on ‘issue networks’ due to the varying levels of contacts, resources, and governmental layers involved in EU policy and decision-making, especially in consideration of all the regional interests and the diverse range of both sub-state and state actors accessing the EU through both informal and formal contacts and networks.¹²

Further describing the presence of various networks at the EU-level, Peterson characterises the EU as a system of MLG where power is distributed amongst EU, national, regional, and local levels, according to the theory of subsidiarity. These differing levels then ‘network’ between themselves to design, enforce, and implement EU directives and rules (Peterson 2004: 126), which is consistent with MLG. Peterson reveals a gap in the literature and paves the way for future researchers in revealing empirical data about the EU’s internal processes. He questions, “what sort of interaction and overlap, with what effects, occur between domestic policy networks at the national and Brussels-based EU networks” (Peterson 2004: 133). Hence, this work contemplates this issue further, focusing on the policy channels and areas whereby subnational, national, and EU-levels of governance collaborate or share competency in terms of expertise.

Thus, the dissertation embodies elements of policy-making concerning networks that the RLC relies on to have and impact on EU policy. John (1998) states that although an investigator may study a nation-state, it is important to realise the uniqueness or generalisability of national policy-making (John 1998: 13). In other words, one cannot assume that the policy-making process in one particular polity or policy area is the general norm. Some authors question whether stable networks even exist in Brussels (Thatcher 1998: 398). Peterson reveals that in this view actors in Brussels may collaborate, but in the form of an ‘issue network’, although these are loose ties and the network may become displaced. Heclo (1978: 10) argued that a diverse collection of stakeholders grouped into ‘issue networks’ - complex networks focused on specific issues extending beyond actors with formal power to set policy - guide the policy process (Peterson 2004: 123). Nevertheless, the EU may have “loosely integrated and fluid issue networks more often than stable policy communities, [...] but the matter is one for empirical investigation” (Peterson 2004: 127). Thus, considering this gap for further research, the thesis analyses networks that relate to policies, in an attempt to find the most effective representation channels. Peterson coins these policy episodes, continuums, or stable networks defining a given policy agenda.

¹² For example, *see* earlier section on ‘Type II’ MLG and numerous levels of jurisdiction

Before discussing outcomes and hypotheses it is important to note John's emphasis on the use of various theoretical approaches to investigate policy and decision-making processes, stating that many investigators assume that one set of these causal approaches are dominant meanwhile the others have a lesser role. Thus, only an integrated framework that uses insights from various approaches could explain the complicity of policy implementation and making (John 1998: 17-18). The thesis focuses on MLG to analyse the representation avenues that a RLC focuses on to influence EU policy and decision-making, which is a highly complex process. The investigation also relies on elements of network analyses, primarily for the value of their description and terminology for defining informal relations.

IX. Possible Outcomes and Hypotheses

Constructivism does not completely apply because I am not focusing on the particular relation of "why" policy and decision-making is realised. Nevertheless, the thesis does value its recognition of discourse leading to the development of stances in interregional organisation, namely the principal objects of study: the Assembly of European Regions (AER), the Conference of European Regional Legislative Assemblies (Calre), the Committee of the Regions (CoR), and the Conference of Regions with Legislative Power (Regleg). However, to test the hypothesis that a RLC – like the Basque Country – is able to influence the EU policy / decision-making process through formal and informal means, it is necessary to focus on one region, and, one of the most powerful RLC in the EU, which is the Basque Country. In this light, it does not do the study justice to choose a region without much executive and legislative competence.

The following paragraphs take on board Moravcsik's criticism that constructivist theorists "neither set forth testable hypotheses, nor lay the theoretical foundations for the development of such hypotheses" (Moravcsik 2001: 180). Even though constructivism is not a primary focus of the thesis, it is important to respond to this academic criticism due to the controversial use of the term 'constructivism' and its assumed lack of empirical evidence. It may be difficult to prove that discourse or informal meetings and interactions were responsible for passing a policy or a given entity's impact on a given policy. Nonetheless, it is possible to test the dissertation's primary hypothesis by looking at the EU directives, opinions, or policies that were passed, finding where they originated, and thereafter deducing that they were the result of various channels and several meetings between Basque, and EU officials. Nonetheless, this is explainable with MLG without having to rely on constructivist theory. The chapter will now set forth some possible outcomes and hypotheses before its conclusion.

The research analysis evaluates the EU representational system and its stimulation or retardation on effective representation for RLC, and then distinguishes the specific policy areas and representational channels in order to determine if the Basque Country can influence EU policy through formal and informal means. Using the Basque Country as a case study aids further inquiry concerning cases of regional cleavages in the EU because it exemplifies a type of historic region, contrasting from other purely administrative or a region without a large degree of financial and administrative resources. The research outcomes can also be applied to future EU integration. For instance, the May 2004 EU enlargement incorporated ten new member states, and thus, a plethora of novel regions into the EU. The EU must find ways to integrate not only the member states but also the regions to promote greater stability, and more adequate policy implementation that is closer to the citizen. The Basque case study will test if MLG is a reality, and therefore, has some dimensions that may be applied to subsequent examinations to explain legislative competency issues arising in other regions of the EU, which may concern overlapping policy areas between central state, EU, or regional competencies. The following paragraphs discuss the thesis' hypothesis in a consolidated manner to conclude this section on expected outcomes.

Effective regional representation alleviates regional conflict, and it also lessens tensions between EU member states' central governments and their regions. The referred tensions include discussion or disaccord with relation to certain competencies or matters - with respect to decision and policymaking or implementation for EU directives or legislation - that affect the region in some way. The thesis questions whether the regions are: relying on whatever means necessary to access EU representational opportunities because they do not want to lose competencies, as the lobbying maximisation hypothesis asserts, or conversely, because they want to gain new competencies, i.e. grasp as much power and at as many levels as possible. RLCs are maximising their use of representation, which is partly occurring because the central state is not offering sufficient access to account for the conflictual loss of regional competencies caused by EU integration. Thus, chapter three discusses internal factors related to formal representational channels offered by the central state, or it may be that the central state is facilitating representational opportunities to interlock or somehow control the RLCs, which is referred to as the interlock or lock-in hypothesis. RLCs go to the EU, above all, in competency areas that they had previously controlled - prior to the EU establishment - in policy areas that EU decisions (implementation policies) affect them directly. Chapter three describes the EU's competencies and their correlation with the policy areas whereas the Basque Country attempts to represent its interests at the EU-level. If the central state does not allow their formal access, then they join

forces with other RLCs through IROs. The thesis argues that the Basque Country pursues representation in policy areas that it either has exclusive competency within the framework of the central state or in areas where it has expertise. There are several channels that they rely on to impact EU policy design and the thesis identifies these avenues in the subsequent chapters, and they evaluate their effectiveness regarding influence, of which concept is discussed further in the methodology chapter (chapter two).

EU consists of a mixed form of jurisdiction and structure, which reflects a Type II MLG (Hooghe and Marks: 2003). Normalising the institutional structure and differing forms of jurisdiction leads to EU stability. For example, with relation to RLCs, roles need to be established for certain regions when EU directives affect their competencies. Central states are representing the regions, or allowing them to represent themselves in the EU, but not always through effective methods, and these formal means remain largely with the member state (as gatekeepers). Yet, these informal channels – and variety of networks - are not a matter of central state gatekeeping. As an interviewee from the Delegation of Euskadi in Brussels stated advancements within central governments the establishment of *consejero autonómico* are indicative of the central state's promotion of effective regional representation (Interview, Delegation of Euskadi, Brussels, 2005). The establishment of this position may also be an example of the central state's efforts to 'lock-in' the regions into the institutional design in an effort to control their efforts. Further advancement in the EU, such as the 'early warning system' and the Commission's willingness to accept regional expertise demonstrates recognition of regions, which is gaining headway. One preoccupation is that the EU consists of member states and not of regions, of which the latter will only fragment the EU further. Yet, moves to incorporate regions in the policy and decision-making, in areas of their historic or legislative competencies, does not within itself, cause disintegrative externalities at the nation-state, nor at the EU-level. Thus, it does change the current structure of MLG in the EU. However, it does not cause instability because the notion of MLG functions with competing jurisdictions (i.e. 'Type II').

As for wider outcomes and implications the EU is, thus, stimulating discourse with substate entities and interest groups. Furthermore, recent events within regions are 'pro-EU' (i.e. Plan Ibarretxe) and current EU proposals are 'pro-regions,' such as the Treaty of Lisbon, and namely, the mentioned Protocol or 'early warning system'. The most effective way to have an impact on EU decision and policymaking is through the central state facilitated channels, via, networking and lobbying. However, the degree and extent of these channels highly determines efficacy.

Regions are relying on informal contacts, which are more effective, because nation-state does not allow regional access in certain important policy areas. Nonetheless, in other policy areas, the Basque Country goes directly to the EU regardless of their effective representation at the central state level to maximise their influence, especially through their areas of expertise to protect their interests against the worst possible circumstance, i.e. no representation.

X. Conclusion

The thesis inquires on the most effective role of regions both formally and informally with respect to the EU policy and decision-making, and questions if this changes the character of MLG. The previously cited works assist in justifying the approach, and why the Basque Country is the most appropriate case study for this work. It largely analyses power-sharing policy and decision-making relations between regions with reserved legislative competencies (RLCs) within their central states, and the policy channels and entities that they rely on to impact EU policy through the formal central state facilitated level, and informal avenues (i.e. networking, lobbying, etc). The purpose of this double analysis is to discover what are the most effective channels that the regional entity relies on to influence EU policy, which is addressed in the thesis' research question. MLG is an alternative conceptualisation of the EU that diverges from functional or supranational and realist or intergovernmental approaches. The chapter has explained the previously mentioned schools of thought that analyse the EU policy arena in terms of national and supranational institutions and diverge from illustrating the impact of subnational institutions on the EU. Jeffery justifies the ensuing study stating that the focus of MLG has been more top-down than bottom-up, and the fact that the creation of EU competences has promoted demands and strengthened the case for subnational entrance into the EU policy arena (Jeffery 1997: 184-186). Hence, the following thesis aims to explain bottom-up relations encompassing regional actors' effectiveness in influencing EU decision-making, either through their respective nation-states, or conversely, circumventing the member states through informal contacts.

Pedler's research on informal lobbying provided an interesting perspective regarding lobbying motivations, inciting that most lobbyist goals are economically motivated. His case studies increases the visibility of literature that focuses on informal lobbying channels. Theoretical approaches, such as, institutionalism or new institutionalism proved to be essential to consider in this first chapter, nevertheless, they seem to ask different questions and concern factors, which are better addressed relying on the MLG theoretical approach. The MLG approach allows the researcher to engage in analysis that is not state centric, and thus, it opens up the evaluation of

the EU policy and decision-making process to include new actors, such as substate entities and powerful regions with legislative competencies.

Several key questions have arisen from the evaluation of theoretical perspectives and literature review, which will be addressed in the subsequent chapters. Is the Basque Country taking advantage of EU institutional fragmentation to circumvent the central state, or utilising the EU as a tool to circumvent the central state? Conversely, is the EU opening up to substate entities in an effort to gain regional expertise on specific policy areas. On the other side, is MLG erroneous in its assertions that there are varying levels of jurisdictions, and in reality, the central state is still the main entity that controls EU policy? To answer these questions and concerns, a methodological chapter follows informing the research via informal semi-structured interviews.

Chapter II: Methodological Considerations

es mi oficio y ejercicio andar por el mundo enderezando tuertos y desfaciendo agravios

- Miguel de Cervantes, *El ingenioso hidalgo don Quijote de la Mancha*

The chapter begins summarising the hypotheses elaborated in the previous chapter. Thereafter, the subsequent section will define, and then scrutinise, the differences between qualitative and quantitative research approaches, since they are the most basic methodological considerations in social science investigation for observing and evaluating data and the methodology. It is essential to outline them before accounting for the adopted method for the investigation. Before continuing, it is necessary to define the approaches. Denzin and Lincoln (2000) indicate a difference between qualitative and quantitative research stating that both rely on observations, but qualitative analysis describes the characteristics (qualities) of entities not experimented in: numbers (quantities), amounts, frequency or intensity (Denzin and Lincoln 2000: 8). Triangulation must also be discussed due to its novel manner of considering elements of both qualitative and quantitative research approaches in order to increase accuracy. The term originates in geometry claiming that diverse perspectives produce greater accuracy. Hence, incorporating different forms of data give more precise results than using one type, which represents a cross-validation of different methods (Denzin 1978: 291; Jick 1979: 692; Pennings and Kleinnijenhuis 2006: 270). These are all important considerations because the research design must incorporate an appropriate methodology to test the theories explained in the previous chapter with the dissertation's hypotheses.

I. Synopsis and Qualitative and Quantitative Considerations

One of this work's hypotheses postulates that the Regions with Legislative Competencies (RLCs) attempt to represent their interests in the EU policy / decision-making arena, above all, in policy areas that affect them directly or those that fall within their legislative competencies. In addition to formal representational channels, RLCs are utilising informal contacts, which can be more effective in certain policy areas. A possibility is that informal representational channels are most effective in certain substantive policy areas (in the RLC perspective) where the central state does not represent them or areas where the RLC has pre-existing expertise. The most effective way for them to have the clearest impact on EU policy is through: central-state facilitated representation, then through their own lobbying and / or networking efforts. However, the degree and extent of their lobbying and the quality of their contacts (i.e. contact's ability to influence policy) highly determines its efficacy. To maximise their potential to impact policy

RLCs collaborate, especially through networking with interregional organisations and holding conferences and meetings, which will be the principal focus of chapter four.

Although the central states do still have dominance – in that RLCs can influence policy more efficiently through the central state, than solely through informal contacts – there are many other ways for them to influence the EU decision and policymaking process. As discussed in the previous chapter, a MLG approach recognises other representational channels, that other preceding theoretical approaches on EU integration had not considered. These informal contacts are an essential element whereby the RLC has an important impact on certain EU policy and decision-making areas.

The study hypothesises that the policy areas that the Basque Country has or is awaiting the transfer of power from the central state - those policy areas that the central state agreed to transfer in the Basque Statute of Autonomy (the Statute of Guernica) - are precisely those areas in which the Basque institutions attempt to influence EU policy. The policy areas will be explored in chapter four and the hypothesis will be tested in chapter five. The dissertation argues that regions with legislative competencies (RLC) and EU relations are reciprocal. The RLC is representing its interests and engaging in a series of informal meetings and conferences with EU officials, and the EU institutions; principally the European Commission and the Committee of the Regions (EU organisation), are opening the way to RLCs. Subsequent to restating the hypotheses, the following sections will explain the methods for testing these hypotheses and collecting and interpreting data.

The work utilises a MLG approach to inquire if the RLCs are able to influence EU policy and decision-making processes through formal and informal channels of representation. Research will firstly assess the effectiveness of various formal and informal channels, and secondly, it explores the extent to which RLCs are circumventing their central states through these channels, in order to influence EU policy and decision-making. MLG posits that EU representation in decision and policymaking can be analysed through top-down or bottom-up perspectives. A bottom-up analysis considers a horizontal distribution of power amongst a variety of jurisdictions of both state and non-state actors. The theory's assumption is a key methodological perspective necessary to reveal informal representational channels or institutions that the RLCs use to enter the EU decision and policymaking arena, because unlike state centric theories, it considers non-state actors' entrance in the EU arena. Bulmer (1998: 370) differentiates institutions between: formal institutions, informal institutions and conventions, the norms and

symbols embedded in them, and policy instruments and procedures. His definition incorporates traditional ideals of governance and law-making with the notion of 'smoke-filled rooms' where 'soft law' and political declarations are made, which all influence policy and decision-making outcomes (Bulmer 1998: 370). The citation concerning 'smoke-filled rooms' hints at informal representational channels and contacts that the thesis analyses. It also points out that policy influence is not always documented. Bulmer's conception also highlights the idea that 'policy outcomes' or decision-making are derived from various informal sources and they are not only the result of legal-constitutional based procedures.

Chapter one stated that the thesis limits its definition of institutions - to set boundaries for the investigation - as tangible: governmental, political, and/or informal interregional organisations. Examples of the dissertation's primary focus referring to these institutions are the: AER, CALRE, CoR, COREPER, European Commission, European Council, European Parliament, regional offices in Brussels, REGLEG, EU institutional working groups, or any other lobbying groups influencing these aforementioned organisations. The dissertation will also regularly refer to the Basque institutions, which will primarily refer to the Basque Government, the Delegation of Euskadi, Basque Parliament, and numerous lobbying groups and political entities therein. March and Olsen (1989: 17) do not neglect the social context of politics and individual actors, but they argue that institutional analysis recognises an independent role for political institutions in that the state and society are affected reciprocally through institutions (a complementary relationship) (Bulmer 1994: 357). The thesis will analyse the Basque Country's interaction with the aforementioned political institutions, which it utilises as mediums to influence EU decision and policymaking. Thus, an analysis of the Basque interaction with the CoR, interregional organisations, EU institutional working groups, and the active regional lobby on EU institutions will be crucial because through these channels Euskadi can have some influence on EU policy and decision-making. Now after summarising the hypotheses and the basis of the study's MLG approach, the following paragraphs discuss methodological considerations for testing and observing theory and data.

The following paragraph introduces theory testing because it offers insights to the case study approach employed in the methodology. Van Evera states that no theory is complete, and frequently a theory 'requires previously unidentified antecedent conditions to operate'. Hence, it is more appropriate to find these conditions and reframe the theory, rather than falsifying or infirming it (Van Evera 1997: 43-44). Observation and experimentation are the two primary means to test a theory (Van Evera 1997: 27). Experimentation involves testing the investigator's

assumptions to a theory's predictions by introducing a stimulus to evaluate their congruence or incongruence (Van Evera 1997: 28). Large-*n* (large-number) and case study analyses are the two testing methods for observation. For definitional purposes, the large-*n* method utilises statistical analysis in observing a voluminous number of cases to discern if the variables coincide with the theory's predictions (Van Evera 1997: 29). Often, this is done through statistical analysis, and is exemplary of quantitative research where measurement and mathematical expressions of relationships between the variables is a central consideration and focus (Pennings and Kleinnijenhuis: 2006 270). After discussing observational testing methods for the hypotheses, the next paragraphs discuss the difference between qualitative and quantitative approaches.

Broadly defined, qualitative research data includes behavioural and social factors as inputs, and quantitative research emphasises statistical and numerical data. Qualitative researchers consider their analysis in light of a socially constructed reality and emphasise a relationship between the researcher and the investigation in which the researcher adds or incorporates his or her interpretation and perception to understand the situation, and thereby the data. Quantitative research entails measurement of causal relationships between variables not processes, which is concerned with generalising causes and effects (Denzin and Lincoln 2000: 8). Pennings and Kleinnijenhuis define it as systematic scientific investigation of phenomenon and relationships (2006: 270). Denzin and Lincoln (2000: 9-10) state there are five ways that the two analyses differ, the following discussion will focus on a selection of these factors, which are the most relevant for the dissertation's research design. Firstly, quantitative research follows a positivist tradition, which asserts that an objective reality exists that can be studied specifically. Conversely, qualitative research tends to employ a post-positivist position in which there is no fully tangible objective assessment and measurement to perceive reality, and thus, observation of a situation or reality represents a subjective manner of analysis. The analysis is subjective because it is composed of basic convictions that people hold as true, which makes it impossible to arrive at an objective conclusion or one truth that applies to all. Hence, measuring a multi-dimensional world of social realities consists of sometimes disparate personal convictions and beliefs necessitating multiple methods to explain them in order to reach more accurate assessments (Denzin and Lincoln 2000: 9-10; Guba 1990: 22). Qualitative analysis aims to understand human behaviour and the reasons that govern it, rather than, relying on a general explanation that rests on 'reason' alone (Pennings and Kleinnijenhuis 2006: 270). By 'reason', I refer to the definition relating to logic, or the power of the mind to think and form judgements and conclusions on a particular matter. Thus, in interpreting Pennings and Kleinnijenhuis (2006:

270), qualitative analysis studies human behaviour and action in a manner that goes beyond logical assumptions, or assuming that there is an objective truth.

Qualitative and quantitative approaches also have distinct epistemological and ontological inferences. Explaining their qualitative and quantitative ontological and epistemological conceptions assists in understanding the distinctions between the two research approaches, and thus, to employ an appropriate methodology for the thesis. Ontology specifies how to represent elements and assign attributes and meaning to them. Epistemology concerns the study, origin, nature, and methods of knowledge. Correlating epistemology with the previous discussion on qualitative research, we discover that post-positivism assumes that there is no objective reality and what we perceive as reality depends on the specific meaning, which each person puts behind it. Thus, each person's perception has a subjective influence on how we understand the world around us, which fits with constructivism and the ontological underpinnings of the thesis. Constructivists embody an implicit anti-foundationalist view that asserts such notions as intersubjective discourse, which the previous chapter discussed. Anti-foundationalism rejects the conviction that there is a paramount objective belief and knowledge system or 'basic beliefs'. Thus, contrary to foundationalism, it professes that beliefs and knowledge are socially conditioned and constructed. The epistemological persuasion of the thesis follows this same philosophical direction. It maintains that humans are not passive participants of some objective reality, and in this respect, knowledge and learning are constructed. Therefore, our social reality constantly adds new meanings and builds on our previous knowledge. Rather than approaching data quantitatively or in fixed units of measurement; qualitative researchers uphold becoming immersed in the situational context to arrive at an in-depth understanding of human behaviour (Pennings and Kleinnijenhuis 2006: 270).

Both qualitative and quantitative methods may engage in interviews to survey the individuals' points of view. Nevertheless, while qualitative research focuses on interviewing and observation, quantitative analysis relies on empirical and inferential data, which is used to make generalisations about a larger phenomenon to make connections between the data sets (Denzin and Lincoln 2000: 10). For example, qualitative interviewing diverges from that of quantitative in that it asks questions and quantifies responses in a highly structured manner utilising a large number of interview and standardised survey data. Contrarily, qualitative researchers refrain from an exhaustive and standardised structure of interview data. Rather, their studies involve large numbers of randomly selected data to deduce generalisable conclusions. As mentioned, qualitative investigations assert that complex social relations create many constraints for arriving

at objectivity in a study. Thus, the researcher's perspective acts as an essential filtering mechanism to perceive and interpret this reality (Denzin and Lincoln 2000: 10). An obvious problem with the qualitative method is that the researcher also adds his or her biases to the social situation. Conversely, a quantitative study would typically use a large amount of statistical data to evaluate if the data produces the same results every time, like those of large-*n* investigations. A problem with large-*n* studies is that they may make generalisations without accounting or adjusting for the specificity of a single case in a given study. Another disparity between qualitative and quantitative studies concerns the fact that many qualitative ones use "mathematical models, statistical tables, and graphs, and usually write about their research in impersonal, third-person prose" (Denzin and Lincoln 2000: 10). Advocates of the qualitative approach claim that their studies conducted in an objective environment ("within a value-free framework") whereby there are no definite or fixed values for each factor because arriving at findings involves deliberation of disparate social elements that are not completely quantifiable (Denzin and Lincoln 2000: 8). Thus, quantitative researchers accuse their qualitative counterparts of adding their biases to the study, and qualitative researchers contend that it is impossible to contemplate and explain a social situation, which involves human behaviour utilising solely mathematical models. Instead, qualitative researchers rely on 'rich descriptions' that include the consideration of an abundance of factors. Thus, abstract explanatory models provide rich descriptions of the 'social world' that bring findings away from generalisations (Denzin and Lincoln 2000: 10).

A triangulated approach offers a middle ground as a solution to the methodological divide just described between qualitative and quantitative approaches. Triangulation postulates that the utilisation of various methodological approaches and tools produces more precise measurements. Arts and Verschuere (2006) highlight that triangulation's geometric origins applied to qualitative social science. Its premise is based on a "multi methodological approach" that is used in an attempt to perceive more dimensions and elements of an investigative area because the researcher cannot see all aspects utilising only one method like a polygonal shape. Thus, triangulation's objective is "valid measurement" rather than "repeated or parallel measurement instruments" that are aimed at reliability (Arts and Verschuere 1999: 416).

Another conception of triangulation amalgamates qualitative methods with quantitative ones. In this sense, triangulation collects data from differing sources and perspectives. The data may involve intensive interviews, and triangulation follows the premise that more information increases the amount of observations, and thus, produces better results (King, Keohane, and

Verba: 1995: 479-480; Marks 2007: 1). It gives a quantitative researcher qualitative tools because he / she is collecting more observations on the dependent variable, which is normally done by performing large-*n* statistical studies that are characteristic of quantitative analysis (King, Keohane, and Verba: 1995: 479-480; Marks 2007: 1). Marks stresses that to triangulate is “to compare observations from *different* experimental designs.” (Marks 2007: 3). Thus, Marks states, two manners to increase accuracy are: a) utilise more precise measurement tools that gauge a variety of factors in different ways, or, b) increase the volume of information or the number of observable factors, and in effect, introduce replication and triangulation to a study (Marks 2007: 2-3). He introduces the notion of the square root law to increase the accuracy of information, which derives the square root of the number of observable data contributing to findings. To simplify, if a researcher observes the same factor *x* times, taking the square root of that gives a more accurate picture consolidating findings into concentrated categories. The thesis will not explicitly take the square root of all the information, but, to give an example, if one factor is observed several times, then it can be deduced that that factor has a high degree of importance. The square root law also relates to using a variety of methods and determining the square of the results. It does not require that systematic error be eliminated, and the approach implicitly centres on the essential claim that diverse methods produce diverse biases (Marks 2007: 3). “[T]he square-root law informs us, one would be able to double the accuracy of measurement if one relied on four methods [for example] for collecting data, instead of [relying on a single one]” (Marks 2007: 4).

II. Measuring Influence and Power in Complex Decision-Making

Now after describing quantitative and qualitative research methods and triangulation, the ensuing section will apply them directly to the thesis’ research design to evaluate influence in decision and policymaking. The study will assess the effectiveness of various representational channels that RLCs rely on to influence EU policy and decision-making. In this analysis, it is important to map the organisations or institutions involved and establish their effectiveness. For example, regular Brussels lobbying channels will be drawn out in a diagram in chapter five to reveal the network links between the actors involved. In effect, the research outcomes will outline the most important contacts of one powerful RLC and evaluate their influence on certain policy areas at the EU-level. It would go beyond the limits of one thesis to chart all the contacts between Euskadi with EU, central state, and other RLC representatives to determine the networks that they rely on to influence policy. Rather, the dissertation's aim is to identify the policies that the Basque institutions were able to have some impact because they coincide with

Basque interests. Thereafter, it is possible to determine what channels the Basque institutions relied on to put pressure on the EU-level - through which formal and informal means - and then define the most effective and influential channels. The method for determining influence on a particular policy begins analysing the policy areas where the interviewees claimed that they had an impact, and then, cross-validating their declarations with documentation that reveals meetings or conferences that involved the Basque institutions and the EU. Firstly, I identify the various channels to determine the most salient through their repetition in the interviews. Thereafter the study judges their correlation with the competencies outlined in the Statute of Guernica, which outlines the Basque competencies within the Spanish state. Initially, interview data will reveal the policy areas that the Basque Country is able to influence and then verify the claims with policy documentation to support the evidence to reveal interaction amongst actors.

Qualitative research can help in determining influence. The thesis adopts a qualitative approach to assess the influence of actors on the EU policy and decision-making process through in-depth interviews with key players involved therein combined with investigation of policy documentation in order to give a more accurate picture of actual affect on policy (*see* Arts and Verschuren 1999: 415). The next paragraphs discuss the concept of power and influence to set a methodology to determine the Basque Country's influence on policy outcomes. Kuypers (1973) defines power as the capacity to be able to exert pressure, and he characterises influence as the fulfilment of the desired effect intended (Arts and Verschuren 1999: 413). Weber (1964) alleges that influence is the ability to accomplish results contrary to the will of others (Arts and Verschuren 1999: 413).

The thesis uses the term 'policy documents' to refer to the official written records, conferences, or meetings whereby a particular policy is discussed during the policy formulation or implementation phases. The methodology asserts that analysis of policy documents assists in determining influence because they identify explicit contributions or meetings between amongst specific individuals or networks (i.e. those composed of Basque institutional or other regional actors or interregional organisations) that influenced a certain policy during the policy and decision-making process. The subsequent discussion will provide a tool kit to evaluate the informal channels that influence policies.

Arts and Verschuren's methodological framework is a response to the difficulties in assessing political 'influence' and 'power' because they are both contested terms and difficult to measure in complex decision-making arrangements (Bell, Edwards, and Wagner 1969; Huberts and

Kleinnijenhuis 1994; Lukes 1974; and Arts and Verschuren 1999: 411). Political influence determines or affects political power to varying degrees (Arts and Verschuren 1999: 412). Decision-making is extremely onerous to evaluate due to complex situations in which there are various stakeholders with opposite interests attempting to influence multi-level decision-making (Arts and Verschuren 1999: 412). Arts and Verschuren define a system in which an actor or group of actors modify a decision (Arts and Verschuren 1999: 412). Their “stakeholder model” applies to the EU when stakeholders or players are involved in the decision-policy-making process “through formal and informal bargaining practices to influence a decision that must be taken by a set of formal decision-makers” (Arts and Verschuren 1999: 416). The model correlates with the dissertation’s conception of Basque stakeholders that attempt to influence EU decision-making processes through formal and informal representational channels. The thesis asserts that the Basque Country involves diverse stakeholders but the analysis primarily focuses on the government and the parliament because they seem to be the most powerful and overarching institutions that are obviously involved in policy and decision-making. Their influence on policy-making through a variety of informal representational channels is assessed. These include the Basque Delegation in Brussels, and interregional organisations, such as Regleg and Calre, to name just a few actors that are involved and form regional representational channels. Chapter four contemplates the various institutions that Basque institutions contact and rely upon to have an effect on the EU policy and decision-making process in order to assess their effectiveness as influential channels. Chapter five then considers the most prominent policy areas that the Basque institutions were able to affect directly, vis-à-vis EU decision or policymaking.

Arts and Verschuren implicitly argue that an actor (such as Euskadi) can be effective in influencing EU decision and policymaking. They state that an actor or group does not necessarily need to directly intervene in policymaking to have influence, but rather, if the decision-makers express their position to the policy maker and he / she receives them, then it still demonstrates some degree of influence (Arts and Verschuren 1999: 413). Arts and Verschuren make a differentiation between positive and negative ‘goal achievement’ or success in decision-making, which reveal political influence (Arts and Verschuren 1999: 413). They maintain that ‘positive’ refers to either a policy player accomplishing his / her goal, or, its influence has an effect contrary to the goal of his / her opponents. ‘Negative’ is the prevention of a policy player’s goal, which is either contrary or correlating with the goal of his or her opponents (Arts and Verschuren 1999: 413).

“[P]olitical influence implies that the decision concerned is more in line with the goal of the player involved than would have been the case if [that player] had not intervened or decision-makers had not anticipated him.” [Thus,] “goal-achievement and political influence do not coincide, as a [policy] player might achieve his goal due to the intervention of others [or] due to external events” (Arts and Verschuren 1999: 413)

Having considered the concept of political influence, it is now necessary to explore the concepts of power and influence. Outlining them assists in conceptualising MLG and accounting for the adopted methodology. The Basque Country can be useful as a case study to illustrate these contrasting terms. Power is an actor’s capability to marshal political resources, which may be transformed into influence (Cox and Jacobson 1973: 3; Arts and Verschuren 1999: 413). The Basque government has a large degree of power because it has many financial and personnel resources that are used to put pressure on the EU policy and decision-making process, and that *may or may not* have an impact (*influence*) upon it. Marks, Haesly, and Mbaye say that political influence and goals are important considerations for understanding MLG. They give regional offices as an example of MLG in action (Marks, Haesly, and Mbaye 2002: 8). The authors find that “larger, better funded, [regional] offices” or “resource-rich offices” can financially afford a professional staff, and thus, will lobby and be in an opportune position to influence EU policy in Brussels (Marks, Haesly, and Mbaye 2002: 9). The thesis utilises the interviews and policy documentation to evaluate various institutions and channels that the Basque Country relies on to influence the EU policy and decision-making arena. Therein, it identifies the policy areas that it has been able to exert influence upon, supporting the evidence with policy documentation, which, in the end will reveal the most effective channels and policy areas of influence.

After having explored power and influence’s correlation with MLG, the subsequent paragraphs consider causal relationships to evaluate Basque influence on EU policy. Braam (1981) observed causal relationships between two factors, A and B. To test if a causational relationship exists between two components, an element in both of them must change (Braam 1981: 26). For example, if A represents an actor and B represents a policy area, then the policy player’s action (A) must reveal a correlating alteration or formulation of a policy area (B) after meetings or interventions between them. An asymmetrical relationship must exist between them, meaning, using the aforementioned case as an example, the thesis evaluates if a policy was formulated or changed due to A interacting in some way with the policy or actors involved with formulation of that decision or policy. Thus, there would have to exist compelling evidence to suggest that A caused policy initiation or alteration. The dissertation tests if the Basque Country’s influence or pressure caused the formulation or change of particular EU policies or decisions. Firstly, I group the interviewees’ claims that Basque pressure affected decision and policymaking areas, then I

validate their assertions with documented proof of interventions between them and actors involved in policy and decision-making to demonstrate an asymmetrical relationship that correlates with their intervention.

Obviously, if there was never any interaction between Basque and EU officials, then influence on a given policy cannot be attributed to the Basque Country. Hence, it is crucial to define “effective” policy areas that the Basque Country is able to mobilise resources to influence policy in order to prove or disprove causation. Braam states that there should normally be a brief time lapse between an intervention between A and B, but this is not an absolute condition that invalidates causation. Braam (1981: 26) also advances that no other player – other than A – partly causes an alteration in B to ensure that no ‘third-player causation’ occurs. He raises the points of ‘autocausation’ and ‘third party causation’, of which the ‘autocausation’ is of no concern for the study because a policy be created nor cannot change independent of policy players. Nonetheless, a policy may have be formulated or altered due to third party causation because EU laws could be initiated or altered independently of Basque Country’s influence, i.e. there is a third, fourth, or fifth policy player involved. However, the thesis first tests if claims from several interviews correlate with the policy documentation to support Basque influence. It is difficult to prove that the Basque government was responsible for the formulation or change in a policy or a decision because there are many actors that may influence them at several stages. Therefore, the next paragraph addresses the dilemma of determining responsibility for policy and / or decision-making creation or alteration.

Arts, Verschuren, and Huberts elaborate on the dynamics of evaluating political influence in complex decision-making processes. As stated, MLG considers the EU as a level of governance in which there are many actors and varying levels of jurisdiction involved in the dynamics of decision-making, which makes it a testable model. Huberts (1989) demonstrates that for an actor to attain political influence it must have intended to affect a decision or policy, have access (have representational channels available) and the time between their attempts and policy formulation or alteration is brief. He also makes the important point that influence is not only about goal achievement, i.e. a player may have focused on one element of a policy but had an affect on a minute part of that policy (Huberts 1989; Arts and Verschuren 1999: 422). Arts and Verschuren note that the data in a study that analyses influence is primarily collected through ‘document analysis and interviews’ (Arts and Verschuren 1999: 415). The combination of document analysis (as aforementioned for the thesis’ purposes as policy documentation) and interviewing is a prime method for the dissertation’s data collection. Arts (1998) criticises Huberts’ study

limiting its complete application in complex decision-making processes due to the many multi-layered sub-decisions embodied in international treaties involving a plethora of policy players (Arts and Verschuren 1999: 415). Thus, Arts and Verschuren stress that Huberts' methods require adaptation to these more complex decisions because "the intentions, goals, and activities of all those players at all levels of decision-making, is beyond the control of a researcher". Thus, key topics, actors, and the level of decision-making must be selected to account for the discrepancy of these factors, which the investigator is unable to control or filter out (Arts and Verschuren 1999: 415-416). The next paragraph describes the selection of interviewees.

The interviews formed a progressive manner to determine and elaborate on multifarious key players in decision and policymaking at the EU level. As a starting point, to give a general overview concerning the influence of informal representational channels on EU decision and policymaking, interviewees were selected in a manner to include disparate perspectives about EU decision and policy making from: regions with legislative competencies (RLCs), the European Commission, the European Parliament, the Committee of the Regions (CoR) and other salient interregional organisations, and political representatives from Euskadi. The respondents from the Basque Country offered varied perspectives ranging from regionalist and nationalist to statist. Interviews with RLC regional offices included highly autonomous and / or economically powerful regions, namely: Catalonia, Euskadi, Nordrhein-Westfalen (Germany), Scotland, and South Tyrol (Italy). Moreover, respondents from interregional organisations represented multiple affiliations from regional governmental, parliamentary, to EU-level interviewees (i.e. CoR) and respondents from select interregional organisations that were primarily chosen due to their respective membership criteria, which is discussed in chapter four. Among those interviewed were representatives from: the Assembly of European Regions (AER), the Committee of the Regions (CoR), Conference of Presidents with Legislative Power (Regleg), Conference of European Regional Legislative Assemblies (Calre).

The analysis employed both statist and regionalist perspectives. Respondents that expressed the central state (statist) perspective included the MEP from the Popular Party and the Spanish Permanent Representation. It was not necessary to exhaustively concentrate on respondents that expressed the central state conceptions due to the fact that it is already a fundamental focus of the literature wherein informal representational channels are not thoroughly explored. Furthermore, the research concentrated on Euskadi's reliance on informal representational avenues, which as the primary hypothesis states, reflects a manner of them circumventing the central state to influence EU policy. Nonetheless, central state perspectives are important in

defining formal representational channels, which are chapter three's primary focus. Basque Country representatives were also diversified in their political visions, including: the Basque Government and Parliament, MEPs (each providing their statist or nationalist perspectives), and political party representatives and parliamentarians from the Ezker Batua-Berdeak (Basque United Left-Greens) and the Basque Nationalist Party. The diversification of conceptions backed with policy documentation led to objective conclusions about actual Basque influence.

Arts (1998) employed an approach whereby he applied varied perspectives to arrive at his outcomes. He engaged in interviews with key respondents in which he questioned their perceptions about the effectiveness of an NGO's influence on a specific policy and he consulted government policy documents. He considered how the NGO perceived their goals regarding the specific policy, and how the policy was actually formulated or altered from its original state. He then compared the NGO's initial policy goal through both interview and policy document analysis with the policy outcome, which included the number, intensity of interventions, and the actual policy adoptions regarding the topic to arrive at a final judgement concerning NGO political influence (Arts and Verschuren 1999: 418). If the perceptions from the policy players were the same as the final policy outcome, then the NGO had influence (with documentary evidence giving proof of interaction), and if they were contrasting perceptions, then the researcher's analysis is considered dominant. The investigator's reasoning is valued because his / her biases are filtered by data quality, which backs interview perspectives with policy documents (Arts and Verschuren 1999: 418). To justify recourse to the investigator's own judgement, it is impossible for the researcher to obtain all pertinent policy documents. Thus, the policy players' perceptions are usually more reliable than the policy document analysis, and above all, the researcher is in the best position to determine the most effective influence on the policy (Arts and Verschuren 1999: 418-419).

One obvious problem to this approach is that it is difficult to determine if other factors may have changed the policy in a coincidental way to correlate with a given policy player's goals, which is why the previous discussion on Huberts and the causal relationship was important to help control the investigation to ensure that there is a clear causation. A limitation to the proposed methodological underpinnings is that all individuals can add biases from the interviewees to the interviewer. The selection of respondents, topics, and decision-making levels can be chosen unjustifiably, which makes the analysis less precise (Arts and Verschuren 1999: 422).

However, the methodology offers a solution for complicated areas of decision-making where there is a paucity of documentary evidence. Thus, the thesis similarly analyses the perspectives of the respondents and utilises policy documentation to first test and then provide proof to justify the inference - arrived at using the interview data - that the Basque Country influenced decision / policymaking. The dissertation determines central state, regional, and EU perspectives through the interviews, identifies documents defining policy goals, and then assesses the Basque Country's perceived influence on a given policy area through documentary analysis. If there are many occurrences when a policy was formulated after a meeting or contribution from a Basque policy player, then we can deduce that this player influenced a policy outcome through their intervention through certain identifiable representation channels.

The Basque case study relates to a unique type of historic region with legislative powers, set apart from other purely administrative regions because it has broad ranging legislative competencies, and it has both a financial and personnel capacity to be involved in diverse representational channels. Therefore, choosing a powerful case study RLC, such as Euskadi, is essential because it would be impossible to evaluate the substate degree of influence through formal and informal channels in the EU decision and policymaking arena utilising a powerless region. In effect, analysing a dominant region magnifies representation of the channels to allow the researcher to clearly see them. The thesis looks at a variety of policy areas, but one may turn out to be exemplary, i.e. most effective for Euskadi to influence. Thus, the most meaningful method to define representational channels and that lend themselves to Euskadi's influence, and then thoroughly study the policy process in order to identify the most crucial representational channels and policy areas. If the study concludes that Euskadi has not been able to influence the policy process in this promising area, then MLG may not be a valid approach. Therefore, it is also necessary to carry out the study in order to test the validity of MLG, or determine – as discussed in the earlier section on testing theory – whether the approach needs more antecedent conditions or other variables to function as a theoretical framework.

Arts's (1998) evaluation focused on NGOs' influence on a specific policy, the treaty of the UN's Framework Convention on Climate Change (1992), and he identifies the NGO's aims and direct interaction to affect the final outcomes of the convention (Arts and Verschuren 1999: 417). His methodology is useful for the thesis, which will similarly outline the Basque Government's objectives and interventions with regards to specific policy areas that are clearly outlined in its annually published volume on Foreign Action and their report on CoR action. Both of the documents recapitulating the Basque Government's intercommunication with the EU and other

international institutions will be discussed in the following chapters and is a main focus of chapter five. Returning to the Arts' research on the formation of the treaty on climate change, adopted in 1992, he noted the impossibility of analysing absolutely all of the subnational policy players involved. As a manner of limiting his study he confined his investigational time frame to five years, which he considered manageable (Arts and Verschuren 1999: 417). The doctoral investigation's time scale is similarly discussed before concluding this chapter, but first, the following section surveys the literature that defines informal channels or networks in order to conceptualise these representational channels and evaluate their effectiveness.

III. Defining Informal Channels

The ensuing section is meant as a survey of the literature on network analysis, although this particular method will not be employed in the thesis, nevertheless, the literature is compelling in terms of the study to allow us to conceptualise strong and weak ties for defining networks. The ties are a methodological concern because they allow the measurement of informal contacts in Brussels. The subsequent paragraphs explain the adopted approach and expand on network terms through a survey of the relevant literature.

Granovetter cites Friedkin's study (1980) as the "most comprehensive attempt, in a scientific setting, to test empirically the validity of [his] arguments on weak ties". The study also coincidentally offers an important methodological consideration that is useful for the thesis. Friedkin sent questionnaires to faculty members in seven biological science departments of a large US university. If one of two scientists reported having talked to the other about current work, meanwhile, the other scientist reported differently, then Friedkin deciphered it as a weak tie. Conversely, if both scientists stated that they had talked to one another, Friedkin defined their relation as a strong tie (Granovetter 1983: 217). The simplistic breakdown of Friedkin's conception of strong and weak ties assists the thesis' methodology. The investigation will observe the strong and weak ties of regional governmental representatives with EU institutions and interregional organisations. In this respect, interviews and policy documentation evaluate relations to identify if one regional representative and one EU or interregional representative report to have communicated with one another about a co-related field of interest or a policy area. The method assists in identifying the pertinent ties of RLC policy and social networks. For instance, if a policy was formulated, especially after a contact or meeting between a Basque and an EU representative, and there is a strong tie between them, then this adds evidence to solidify an argument asserting that the Basque institutions influenced the formulation of a particular

policy. To provide another example, if the Basque institutions had numerous interventions with EU officials - either through certain representational channels or specific policy areas - then we may deduce that those areas are either salient policy areas for the Basque Country or are areas in which they are able to exert some influence.

Although the thesis will not engage in social network analysis, it is meaningful to highlight it as a literary contribution of network terminology. ‘Whole-network studies’ analyse sets of interrelated actors considered as bounded social collectives. Although bounded in some respects, network boundaries are often ambiguous and/or permeable (Marsden 2005: 8). Whole network designs are composed of various egocentric networks that surround each actor (Marsden 2002, 2003). Thus, egocentric network designs assemble data according to relations referring to a focal object (*‘ego’*) and objects (*‘altars’*) that link the ego, or in other words the relationships in their core of influence (or their given locality) (Marsden 2005: 8-9). The dissertation will utilise a whole-network design to reconstruct informal representational channels or the informal contacts of regional actors with various institutions. The thesis will define the representational channels that connect these actors (*‘objects’*) who are: members of the Basque government and parliament, EU-based institutions, interregional organisations, and Basque representatives within these organisations. Marsden (2005: 9) states that determining the sets of objects encompassing the network is a problem. Nevertheless, Laumann, Marsden, Prensky (1989) offer three strategies to account for the obstacle: a positional approach, event-based approach, and a relational approach. A ‘positional approach’ offers insights useful for my investigation because it groups actors according to formal membership criteria, i.e. formal membership in interregional, EU institutional, regional delegation offices, etc. An event-based approach is based on activity and relational focuses on social interconnectedness. As stated in the previous section with the anchovy fisheries example, the research may reveal that one event – or policy area – is the most effective, and thus, exemplifies the importance of a certain network or representational channel.

Everett and Borgatti (2005: 63-64) attest that the membership or participation in a particular event – policy areas or organisations – connects actors and assists in determining the centrality or the interconnectedness of the different policy players. Their assertion proves helpful to the analysis because identifying participation in ‘events’ such as: Commission working groups, AER, REGLEG, or the CoR, aids in determining which actors have the most ‘central’ role, or are the most important contact(s) or channel for a given network (strong ties), or for a given policy area. Chapter four identifies the interregional organisations in which the Basque Country

actively participates. The chapter evaluates the most important by determining the greatest levels of participation and those that have the most effective influence on EU policy. Chapter five surveys the policy areas that the Basque Country has attempted to gain EU visibility, and thereafter, it focuses on the most concentrated policy areas whereby Euskadi had an impact on EU policy and decision-making. Krebs used a similar analysis in his categorisation of the different influences, which was followed by an evaluation of those factors to assist in determining their importance, or in other words, the degree of influence of the actors in the network (Krebs 2006). Therefore, it is possible to identify the 'core' and 'periphery' members of the representational channels. There are various pivotal institutions that are attempting to influence policy-making through these channels. The thesis's goal is to clearly identify the networks of informal contacts, or more specifically, reveal the impact of the Basque Country on the EU decision and policymaking process. The thesis aims to outline the instances when the Basque Country intervened and define networks or the institutions that the Basque Country relied on to influence the process. In order to describe the effectiveness of Euskadi's impact on certain policy areas, firstly, I analyse interviewees' claims, then I check those claims with EU policy, which will reveal the actors and / or institutions involved and the effectiveness of the representational channels therein. After having broadly described the literature on network analysis and the dissertation's research design therein, which diverges from in-depth network studies in a more simplified manner, the next section summarises the investigation incorporating a MLG approach through preliminary findings.

IV. MLG in the EU and Influence in Complex Decision-Making

The following brief section will serve both as a summary of the theoretical considerations established up to this point and provide some precursory evidence from the findings. The EU consists of a mixed form of jurisdiction and structure, which reflects a Type II MLG system (Hooghe and Marks: 2003). The central states are representing the regions, which forms a formal representational avenue for the regions to influence EU policy and decision-making, but it is not necessarily an effective representation avenue. The member states remain largely the gatekeepers for RLCs to be able to represent themselves formally at the EU level. However, informal channels – and disparate networks - are not a matter of central state gatekeeping, nor is it possible for member states to control them. That is to say that, for instance, the establishment of the *consejero autonómico* in Spain is proof that to some degree the central governments are either condoning or promoting regional representation (Euskadi 2005), whether or not this is effective representation, is another question. Further advancements in the EU, such as the 'early

warning system', which is the process whereby the regions and the CoR can evaluate and react to instances where there is a breach of subsidiarity through the European Courts of Justice (ECJ). It is an application of protocol on subsidiarity, which is discussed in the Treaty of Lisbon, and will be discussed further in the chapter. The Commission has also demonstrated its willingness to accept regional expertise. Thus, the regions are gaining visibility and opportunities to influence Commission policy.

The interaction of these formal and informal representational channels is the current structure of MLG in the EU because the notion of MLG functions with competing jurisdictions (i.e. 'Type II'). Hooghe and Marks state that decentralized jurisdictions more appropriately reflect the plethora of both citizens' preferences, and moreover, they assist in creating reliable policy commitments enabling MLG (Hooghe and Marks 2004: 16; Pollack 1997; Majone 1998). The nature of EU integration, in this respect, consists of a plethora of organisations facilitating both formal and informal connections. The relations in this system stimulate intersubjective discourse and are a source of policy / decision-making. As for wider outcomes and implications, EU integration is, thus, stimulating democratic deliberation and intersubjective discourse through inclusion of RLCs. Evidence is the Commission's acceptance of expert advice and other informal representational opportunities, which was previously mentioned in the chapter. The acceptance of the input of regional perspectives offers a substantial possibility for regions with relevant expertise and personnel, to affect the EU policy-making process. Intersubjective meaning is also transmitted through interregional organisations via informal networks. Thus, recent events within regions are 'pro-EU' (i.e. Plan Ibarretxe), and the EU has also demonstrated an impetus to include regional entities (i.e. the subsidiarity protocol). These instances will be discussed more in-depth in the subsequent chapters. The Treaty of Lisbon (2007) makes explicit mention of regions on several occasions giving both the CoR formal advisory competencies, and regional parliaments with legislative power the ability to question the Commission's legislative proposals through the 'early warning system'.

In brief, the idea of the 'early warning system' originated from the ideas embodied in the EU draft constitution (2003)¹ and concretely in the Protocol on the Application of the Principles of Subsidiarity and Proportionality (2004). According to article four of the protocol, the Commission and the European Parliament forward their draft legislation and amended drafts, and the Council forwards their legislative acts and amended drafts, to national parliaments. The

¹ Draft Treaty establishing a Constitution for Europe

protocol also states that any national parliament may send an opinion to the presidents of the European Parliament, the Council, and the Commission regarding their compliance with subsidiarity in article six. The same article recognises that it is the responsibility of the national legislative chambers to consult their respective regional parliaments with legislative powers. Finally, article eight gives the European Courts of Justice jurisdiction over the infringement of subsidiarity and it gives the CoR the right to bring subsidiarity infringement cases regarding legislative acts before the ECJ.

In this respect, the protocol and the idea of the early warning system makes the CoR a guardian of the subsidiarity principle, whereby the EU institutions are held accountable to the ECJ in reference to breaches of subsidiarity. Initiative agreements between CALRE, REGLEG and the CoR sought to maximise the RLCs capacity to observe and report breaches of subsidiarity or identifying specific RLC interests concerning EU directives. In this light, the Treaty of Lisbon proposes to give subnational parliaments a role in protecting their regional interests at the EU-level. The implementation of the early warning system offers the Basque Government the right to appeal to the Basque Parliament, which can in turn lobby CALRE, the Spanish Parliament, the CoR, and the EU. These are types of initiatives that can be analysed to assess Basque influence through interregional organisations' initiatives. Most importantly, it creates links between the IROs, which can be used to create representational channels to influence policy and for that reason chapter four concentrates on the describing different IROs and their common interests, such as the early warning system.

Then, there is clearly a need to take on board Moravcsik's criticism that constructivist theorists "neither set forth testable hypotheses, nor lay the theoretical foundations for the development of such hypotheses" (Moravcsik 2001: 180). Even though constructivism is not a primary focus of the thesis, it is important to respond to this academic criticism because the theoretical section stated that the thesis would consider the value of constructivism and this methodological chapter mentioned that its ontological underpinnings are valuable. Thus, it is essential to outline the approach's merit for the adopted methodology. Constructivism is academically criticised, especially in positivist circles, for its assumed lack of empirical evidence. It may be difficult to prove that intersubjective discourse was responsible for passing a policy or had influence during the policymaking process. Nevertheless, it is possible to see that there are many actors in the EU policymaking process, i.e. politicians, elites, experts, etc. They are engaging in discourse or deliberations, and after long discussions and meetings the policy is made into a directive, adopted, or the original policy is modified. Thus, let us consider one of this work's hypotheses

that a RLC – like Euskadi – is able to influence the EU policy and decision-making process through formal and informal means.

As an example, let us envisage that an interregional organisation's pressure group acting on intersubjective discourse, influenced a policy. Influence is difficult to prove in the case of complex decision-making as the methodology chapter has explained. These organisations behave in unforeseen ways – with a life of their own – and operate in an elaborate social reality where they may combine disparate interests of their member regions and attempt to influence various informal channels. I will summarise the adopted methodology before discussing interview methods. To assist in revealing the most effective policy areas and identify the channels therein, it is necessary to use a case study to focus on one region, and one of the most powerful RLCs in the EU, which is the Basque Country. In this regard, it does not do the study justice for explanatory purposes to choose a region without extensive executive and legislative competencies, or to focus on several cases. Thus, the interviews are a starting point, as they reveal the informal and formal channels, the most effective policy areas, and when these representational channels were pivotal in promoting the Basque perspective. The thesis analyses EU directives, opinions, and policies that were passed to determine their origin, deduce that they were the result of various representational channels, either formal or informal, and thereafter, define these channels. Thus, to restate the primary hypothesis, the effectiveness of formal and informal representation channels depends on the expertise and resources of the Basque Country. Hence, it is necessary to focus on one region, but also, to provide an illustrative analysis that emphasises the most effective representational channels for the most salient policy areas and then determine the most effective ones. It is useful to focus on one region because the EU policymaking process is complicated and involves many actors' inputs. Thus, the study analyses one RLC to give a clearer picture to specifically identify who had the greatest impact on a particular policy. If the study had focused on a large sample of regions it would be difficult to engage in an exhaustive investigation of so many channels, which would go beyond the scope of a single thesis. After having described the link between the hypothesis, the Basque case study, and the theoretical approach, the ensuing final section describes the investigation's use of semi-structured interviewing.

V. Semi-Structured Interviewing and Investigational Considerations

The interviews assist in providing a description of the numerous representational channels that Euskadi uses to influence the EU policy and decision-making process. Thus, it was necessary to survey the literature that analyses networks in the previous section. The subsequent section defines and explores the appropriateness of semi-structured interviewing for collecting data and determining the most salient representational channels. Its subsections consider: a) semi-structured interviewing, b) how to gain access to the observational setting, c) methods of recording data and confidentiality, and, d) the thesis' research time scale. A qualitative interview based approach is the most pertinent because informal contacts and lobbying are undocumented. The literature does not extensively cover informal contacts in Brussels, and, firsthand interviewing is the only way to encapsulate the informal undocumented contacts and lobbying that the RLC use to influence the EU policy and decision-making arena. Contrarily, quantitative analysis focuses on documented and quantified statistical information, which would not be an appropriate method for the thesis.

V. 1. Semi-Structured Interviewing

Some common types of interviewing tactics are: face-to-face (group or individual), structured (group or individual), and unstructured (group or individual). After considering the usefulness of the different types of interviewing, I found that semi-structured face-to-face individual interviewing was the most suitable for addressing the research questions. Contrarily, group interviewing can have detrimental consequences to research and findings, such as polarisation of the group's perspective, or the emergence of a situation in which one individual controls the interview with their responses, and as a consequence, disrupts the responses of the others. Semi-structured interviewing uses standardised questions to ensure that the interviewer is asking the same questions to all the respondents, which consequentially demonstrates the reliability and validity of the chosen methodology and findings. Hence, the adopted interviewing process firstly uses a base set of standardised questions that were posed to the respondents. Thereafter, situation specific inquiries elaborated upon the base questions.

Thus, the interview questions built on existing data obtained from previous interviews. The questions changed accordingly in light of recently acquired considerations (from the previous

interviews) on regional, central state, and EU political positions on particular issues. The interview questions are crafted in a manner that they express knowledge about the cultural, historical, and political context of Euskadi and the Spanish central state. The incorporation of a 'semi-structured interviewing' methodology avoids the generalisability of strictly structured interview coding schemes that place the interviewees responses into broad categories. Rather, the thesis also considers cultural, historical, and political understanding of the regional and EU situation and their interrelationships. For this reason, chapter three describes the contemporary historical and political situation of Euskadi.

The pros and cons of these two types of interviewing – structured and semi-structured – relate to similar ontological considerations like the difference between quantitative and qualitative analysis. In this respect, extremely structured interviews have the advantage of producing highly systemised data that allows for generalisations. Conversely, semi-structured interviews are flexible, allowing comprehension of other social factors that may be relevant to the analysis, and enabling the interviewer to modify the questions in light of new considerations and novel respondents. Structured interview tactics can be highly advantageous for constructing mathematical models from interview data, evaluating, or rating the most to least effective policy areas. Meanwhile, semi-structured interviewing can explain why and how different policy areas are effective, and as a consequence, produce a broader picture of reality.

Fontana and Frey describe seven basic elements of unstructured or semi-structured interviewing. I outline these elements incorporating them with the dissertation's adopted methodology. The elements are illustrative to examine the qualitative method of interviewing critically. Firstly, the interviewer must assess the inquiry situation, or in other words evaluate the general ambiance and attitude during the interview to gain access to it (Fontana and Frey 1994: 366). In this respect, the respondents' perspectives towards the interviewer - as an insider or outsider - reflect another important related consideration. Thus, I attempted to obtain status as a cultural insider in the daily life of the interviewees through residence in the region that I was studying in (Euskadi) an attempt to understand the cultural nuances, the language(s), and the perceptions of the respondents. Living in the setting of the interviews provided a means to both establish rapport in understanding the perspectives of my respondents, and in effect, their trust as a cultural insider. I also sought an 'informant' to assist in understanding the cultural and political views of my respondents (*see* Fontana and Frey 1994: 367). The respondents that represented the Basque representatives from distinct political parties revealed disparate aims and viewpoints regarding their focus on the central state, Euskadi, and / or the EU. Hence, it was important to not only

interview the Basque Nationalist Party (*Partido Nacionalista Vasco*) PNV, but also other pivotal political parties, such as the Popular Party (*Partido Popular*) (PP) and the Basque Left (*Ezker Batua Berdeak*) EB-B. Fontana and Frey ascribe importance to personal presentation during an interview. In this respect, I presented myself as a researcher with a degree of interest in their region in an effort to underline biases amongst respondents and demonstrate my understanding of their regional claims, or at least, an understanding of civil society's and political parties' positions regarding the EU and the Basque Country. Fontana and Frey also identify "kinesic communication" as another important factor relating to the respondents' acceptance of the questions. They refer to the importance of observing any body movements or posture changes. Attention to these gestures assists in testing the comfort level of a given situation and identifying unfavourable questions and to alter them accordingly to maintain the trust and confidence of the respondents (Gorden 1980: 335; Fontana and Frey 1994: 371).

Qualitative interviews are essential to provide first-hand sources of information for the study because it is extremely difficult to define the influence of informal contacts. Furthermore, their influence is nearly impossible to pinpoint if one only analyses policy documents because many times the exact influence of, for example, a Basque representative on a specific policy, is not directly documented. At times, only the person's presence during particular negotiations would be recorded. The interview questions were addressed to governmental, parliamentary, political and institutional representatives asking them about their perspectives regarding the effectiveness EU, central state, and substate representative structures' in representing regional interests. The interviews inquired on important competency areas regarding EU policies, the central state facilitation or obstruction of those areas, and through which of these areas the Basque Country has had an effective impact on EU policymaking and how. Thus, the interviews probed the most important policy areas for Euskadi, with a view to identifying those where it can exert the most effective impact on the EU decision / policymaking arena. Interviews also attempted to identify what informal and formal networks were responsible for a complex decision. After obtaining leads from interviews, policy documents were evaluated to verify or cross-validate the evidence from the interviews. Therefore, the field research consisted of semi-structured individual interviews with governmental, institutional, interregional, and parliamentary representatives in Euskadi; and Brussels; interregional organisations (i.e. AER, Regleg, and Calre); the European Commission, European Parliament, and various regional delegations offices in Brussels. Interviews at the regional level had a range of perspectives in which they highlighted or disregarded principal factors such as the further elaboration of Basque competencies in the central state or the EU, or the salience of informal or formal representational channels. In sum,

interviewees expressed regionalist, national (central state), and EU centred perspectives. The interviews inquired on the sub-state actors' actual roles in the EU processes of both policy and decision-making and formulation.

Thus, empirical data includes interviews with Basque and EU representatives regarding the region's acceptance and perceptions about the EU's role, and inversely, the EU's conception of its role in ensuring regional participation regarding issues that fall within their respective competencies. These input factors assist in answering the research question, which examines how regions are pursuing representation at the EU level and its effectiveness. The thesis analyses the effectiveness of certain groups or formal institutions (regional governments, interregional organisations, and/or central states) on EU decision and policymaking through both formal and informal avenues. To sum up, the adopted methodology utilises qualitative interviewing and document analysis to assess the policies, EU directives, and/or opinions that the Basque Country was able to exert political influence through its formal and / or informal relations.

The 'manner of questioning' and the interviewees' recognition of names in their networks are both worth consideration. During the interviews the actors were asked the same questions, such as: what are the region's most effective ties or channels of influence to have an impact on EU policy-making. Conversely, during the EU or interregional organisation interviews (i.e. AER, CoR, MEPs, Regleg, etc.), the respondents were asked about their contact with the RLCs and under which policies had the Basque Country – or other powerful RLCs - exerted the greatest impact, and, was this force successful in influencing a particular EU policy decision. Asking the same questions for different policy areas ensures reliability, validity, and demonstrates the proximity of informal representative channels with other entities, especially in particular policy areas. Freeman (1979) delineates three basic subcategories within the concept of 'centrality': betweenness, closeness, and degree to implicitly identify and categorise the recalled contacts to begin to establish where representational channels are located and in which policy areas. During the interview process, the interviewees were asked to reveal their contacts in their network of influence, so that they comment on their direct relationships with other actors, which consequently reveals strong and weak ties. In effect, the inquiry on interrelationships has allowed for a reconstruction of the informal and formal representational channels utilised by Basque actors and the effectiveness of these channels. The channels will be outlined in an extensive diagram in the chapter five that outlines the institutions that make up the Basque Country's representational channels. Bond, Jones, and Weintraub (1985); Brewer (1995); and

Fiske (1995) all found that when asking respondents the people they knew, the interviewees tended to mention their most compelling affiliations or contacts first (Marsden 2005: 15). Therefore, the investigation paid special attention to not only the names, but also, the order to which the respondents recount them. In this respect, the interviews specifically shed light upon the informal RLC networks and how they function at the EU level.

V. 2. Gaining Access to the Setting

Thompson (1979) endangered himself attempting to gain access to the investigational setting of the Hell's Angels, the motorcycle club or gang (Fontana and Frey 2000: 654). Although I did not put myself in personal danger, as Thompson did when he was attacked for begin 'an outsider' spying on the Hell's Angels, I was immersed in the research setting living in San Sebastián-Donostia (Spain) to obtain first-hand knowledge in the Basque Country. The experience proved extremely useful and allowed me to obtain the first interview with the Basque government through a friendship contact, which I would have only acquired living in Donostia. A similar method was discussed earlier in terms of relying on an 'informant'. From the aforementioned initial contact, I was able to gain other noteworthy interviews. Seidman values the interviewing method of 'snowballing', which is an approach to selecting participants whereby one interviewee leads to another (Seidman 1998: 47). I asked for additional collegiate contacts at the end of each interview. The interviewees' recognition of contacts assists in defining the representational channels, which was just discussed. I continued to obtain an increasing number of interviews upon recommendations from previous interviews until the obtained information seemed adequate. Criteria indicating that the interviewer has collected sufficient data are: the interviewer starts to hear the same data reported, and, there is a deficiency of finances and of time (Seidman 1998: 47-48; Douglas 1976; Glaser and Strauss 1967; Lincoln and Guba 1985; Rubin and Rubin 1995). The field research satisfied the conditions considering that interview data began to repeat itself and financial resources to continue investigation were exhausted.

Punch alleges the obstacle of government officials forming barriers to accessing further interviewees - coining these obstructive individuals as 'gatekeepers.' They could engage in the antagonistic role for fear, or simply because they feel threatened to give information to a non-associate (Punch 1998: 163). Seidman upholds that an informal gatekeeper is one who feels compelled to control everything (Seidman 1998: 38-39). He explains the importance of making direct contact considering access and hierarchy. I was able to get the direct email contacts and

phone numbers of my proposed interviewees beforehand, which their personal secretaries almost always initially received. My method entailed firstly sending an email interview request for an 'informal informative interview,' in which, I briefly introduced myself and the study. Two weeks later, I followed up the email with a phone call requesting an "informal informative interview" in their place of preference "to not inconvenience them". It proved an effective method because the selected interviewees already knew who I was, and which prior contacts I possessed because I had listed the previous interviews in the initial email. After the phone call, they were willing to arrange an interview in Bilbao, Brussels, San Sebastián, or Vitoria depending on the representative and his / her place of work. For instance, I made three trips to Brussels, the last of which was to speak with Basque MEPs because it fit more appropriately in their agendas. In addition, I did a traineeship with the European Commission in Directorate General (DG) for Regional Policy, which provided a great deal of information regarding the interworkings of the EU and facilitated several interviews with EU officials who were extremely willing to provide information for the study. My status as a young doctoral student gave me a non-threatening position, which can open doors to inquiry and encourage sympathy, according to Punch (1998: 165). Furthermore, as just mentioned in terms of finding an informant, my status as the '*friend of a friend*' established a great deal of rapport with the Basque government representatives.

The sole fact that I lived in the Basque Country made the interviewee more open to express their perspectives without first having to engage in a long discourse about its origins and history, which did muddle the interviews with some nationalist respondents in the beginning. The fact that I was a foreigner (*outsider*), and not only studied, but also lived in the Basque Country, seemed to create a positive atmosphere during the interviews. Geographical proximity facilitated the scheduling of other interviews with their colleagues, because I lived in the area. Living in the vicinity of the researched correlates with the idea of total immersion and the epistemology of insiderness to gain access to the setting and procure a comprehensive understanding of the situation (Rheinharz 1992: 259; Punch 1998: 160-161). It also made the interviews more straightforward because many times the respondents would engage in long historical and political accounts. For example, they would outline obvious facts like: the Basque Country is a historical enclave in Europe, the nature of the territory of 'Euskal Herria', and that Euskadi or the Basque Government is not synonymous with terrorism. Basically, living there made it unnecessary for the respondents to explain many factors, which were either false or overarching stereotypes - such as the equivocation of linking between terrorism and the Basque Country - or assumed knowledge. My nationality proved advantageous in stimulating interviewees to be sympathetic to my investigation, but sometimes provoked exhaustive responses with meticulous

explanations for a ‘non-European’ investigator. Thus, it helped that I explained what I already knew at the beginning of the interview to avoid them painstakingly recounting the same story. Following the first interview with the Basque government, I learned the importance of legitimising my study. I began with a simple presentation letter from my university, but thereafter, I created a business card, and obtained a letter of introduction from the Basque government. The letter overtly justified my goals and objectives for seeking further interviews in Euskadi and in Brussels. However, it is essential to mention a downfall to this approach. The field research is dependent on the investigators perception of the field situation at a given moment in time and makes them vulnerable to bias (Punch 1998: 158). Nevertheless, the benefits were deemed to outweigh the risk of bias, especially, when combined with the objectivity of document analysis to scrutinise if the Basque Country’s governmental and parliamentary representatives had actually effectively influenced the same policy areas as the interviewees claimed.

V. 3. Recording, Annotating, and Maintaining Confidentiality

Seidman (1998) stresses the importance of recording interviews. He remarks that it can be extremely useful to record the entire interview because it maintains the accuracy of original words (Seidman 1998: 97). He also states that it is not inhibiting because many times the respondents forget that the recording device is there. During the interviews, I did not receive negative feedback resulting from using the recorder. On one occasion, the respondent told me that he would tell me additional information if I did not record his / her words. Through the recordings, I discovered the divergence between the ‘official line’ and the ‘informed opinion’ of the respondents, who supplied some extremely interesting comments. I refer to the point in the interview when the interviewee tells the interviewer things that are *not* the mainstream issues or stances that they may adopt *vis-à-vis* their supervisors.

Seidman maintains some important methodological points - that the thesis follows - regarding the importance of transcribing the whole recording, annotating the transcript with non-verbal expressions, and organising the findings. He maintains that it is more compelling to transcribe the whole interview, rather than choosing sections. Additionally, transcription should detail both verbal and non-verbal statements and manners of expression because they can be useful to retain the respondents’ original meaning when analysing the interviews later (Seidman 1998: 99). Concerning the transcription and analysis process of the interviews, Seidman (1998) explains terms that are useful to identify the most striking points. A ‘windowing process’ consists of

making brackets on the full transcriptions to easily see the most important issues (Seidman 1998: 100), then organising these into categories, and thereafter, into common themes that form connections between the interviews (Seidman 1998: 107). This categorisation of the interview data minimises disadvantages associated with doing semi-structured interviewing, mentioned earlier, because the interviews do not provide standardised evidence to the same degree as structured interviews. However, making notes on the transcriptions helps organise them and connects the interviews under various common and divergent topics, whilst maintaining accuracy and the situation-specific comments that were detailed in the original transcript. Discerning commonalities between the interviews is also a means for verifying the accuracy of the data on the premise that more observable data on the same issue produces better results (King, Keohane, and Verba 1995: 479-480; Marks 2007: 1). For example, if several interviewees highlight the same issues, then it is likely that the information is accurate. This manner to increase accuracy rests on the same premise as the, square-root law, the earlier mentioned methodological tool (*see* Marks 2007). Making notes on the interviews can be considered ‘classifying’ or ‘coding’ data whereby the researcher encounters the compelling data and organises it into appropriate fields (Seidman 1998: 107). Thereafter, the transcripts should be reread, put aside, and final labels then arise out of the sections of paramount importance, which is coined the ‘dialectical process’ (Rowan 1998; Seidman 1998: 109). For example the interview data was precisely organised according to the aforementioned techniques. The most salient policy areas that the Basque Country could influence EU decision / policymaking were reoccurring through the interviews. The evidence was separated into topic areas, which divided the chapters, and were then verified through documented sources.

I will now briefly mention confidentiality considerations. My interviewees agreed that I could use their names. Nonetheless, in an attempt to maintain the integrity of their positions, I keep their names confidential and use the abbreviated forms that show the institutions that they represent, but their name is concealed. Punch reveals the danger of including the names. He states that, although the transcriptions may be accurate, respondents see themselves summarised and interpreted in manners that may not correlate with their personal perspectives (Punch 1998: 166). The abbreviations used in the thesis still reveal the political importance or relevance of the respondents' positions, whilst keeping them anonymous. The exclusion of their names is especially noteworthy to enable the interviewees to make the differentiation between the official line and that of their opinion without endangering their political position. Thus, their divergence between the two viewpoints calls attention to the fact that they are still stating the truth, but that

they may not want to lose their jobs over a few comments. The following paragraph delineates the time scale of the research fieldwork.

V. 4. Time Scale

The time scale of the interview and documentary investigative inquiry begins at the time of the negotiations for the final text of the Treaty of Maastricht (2001-2002) and ends in 2009 with the conclusion of the Basque parliamentary elections, the factors of which are discussed herein. The Treaty of Maastricht (1992) was a pivotal moment in EU integration that formalised a large degree of the EU institutional structure in place at the time of the writing of the thesis. The Basque government and parliament had time to stabilise it may be evaluated four years following the Basque autonomous community elections (2005). The thesis' time scale allowed the elected government and parliament time to re-establish themselves and their policy objectives regarding the Spanish central state and the EU. Giving the Basque government a couple of years to stabilise is not a novelty, only a normal state of affairs after any election that repositions executive and legislative positions and seats. The same is true of the Spanish central state. It has had time to re-establish itself after the reshuffling of the government from the Popular Party to the Socialists five years after the general elections (2004) when the Socialists were elected to office. In further justifying the thesis' time scale, research must begin after the Spanish central state offered the Basque County its first formal channels to EU policy. The Spanish Constitutional Court's decision first recognised (STC 165/1994) the Autonomous Communities' capacity to exercise their competencies in the ambient of Foreign Action (Murillo de la Cueva 2000: 32). Thus, it gave them the right to engage in a certain degree of foreign relations. In effect, the constitutional court's decision authorised the Basque delegation in Brussels, amongst the other Autonomous Community offices there and abroad. The decision marks a starting point whereby the Spanish central state legally approved of the intervention of the Autonomous Communities at the EU-level. Hence, only after that decision can a study analyse both formal – state facilitated or recognised - and informal representational channels.

Additionally, official documentation that traces the Basque government's intervention in Foreign Action in an extremely empirical manner, was just published in 2007, which was the most updated volume at the time of writing up the thesis.² The yearbooks on Basque foreign action from the previous years were also consulted. The analysis concentrated on one year to

² 'Annual Volume on the Foreign Action of Euskadi 2005' (*Anuario sobre la acción exterior de Euskadi 2005*)

rigorously analyse the Basque government's capacity to lobby at the same time as the interviews were conducted to cross validate the interviewee's claims with documented proof of meetings from the yearbook's highly empirical list. Other communications published in 2007 include the Basque government report that details both its interaction with the CoR and its influence in EU directives and initiatives and the next report published in 2008.³ The 2007 report outlines the Basque government's third mandate period (2002-2005) in the CoR and the 2008 report mainly focuses on 2007 and 2006. The study extends to discuss policy areas where the Basque Country has had an impact on EU policy and decision-making, especially with regards to fisheries, environment, tax issues, technology and information society, and investigation, all of which will be a special focus of chapter five's analysis. The preceding are examples of policy areas where the Basque Country can effectively assert influence on EU policy and decision-making through formal and informal representational channels. Thus, the utmost attempt has been made to scrutinise the most up-to-date data. 2007 is also an interesting year due to the end of the first - and possibly last - round of the EU draft constitution proposal, which culminated in its apparent failure in favour of a mini-treaty called the Treaty of Lisbon agreed to by the European Council in October 2007. The institutional changes proposed in the draft constitution are extremely similar to the Treaty of Lisbon regarding the mentions of the role of substate / regional entities in the EU. The impetus to continue negotiations - in some form or another - and the advancements of the EU draft constitution and the Treaty of Lisbon referencing regions are noteworthy and are therefore analysed in the dissertation.

As a final note, to judge the validity of the investigation of the hypotheses, we obviously must consider a situation in which the dependent variable and the independent variable are not present. Thus, for example, if the Basque government did not lobby and force contacts - formal and informal - i.e. they had no expertise, financial support, or personnel; they would not be able to affect the EU. Let us consider a region, such as Aquitaine (France), or a region pertaining to any centralised state. Such a region would be able to have some sort of EU representation via the CoR, but this is only in a consultative institution and it alone cannot provide an effective manner to affect EU decision and policymaking. Now, if the same expertise and personnel power existed in the Basque Country and the EU did not exist, then the Basque Country would continue to engage in international or transnational relations as it has always done historically to protect its interests. Thus, in the following chapter, the dissertation will explore historical and

³ 'The Activity of the Basque Government within the CoR Annual Balance 2006' (*La labor del Gobierno Vasco dentro del CdR balance anual 2006*) and 'The Activity of the Basque Government within the CoR Annual Balance 2007' (*La labor del Gobierno Vasco dentro del CdR balance anual 2007*).

legislative competency areas, which the Basque Country possessed through its statute of autonomy, the Spanish Constitution, and those areas where it is seeking EU representation.

VI. Conclusion

The second chapter began reviewing the literature that gave insights to the thesis' adopted methodology. It reiterated the hypotheses and literature regarding qualitative and quantitative methods, then discussed the concepts of influence and power, which was followed by the application of multi-level governance to the methods. MLG is an extremely useful approach due to the fact that it is difficult to assign responsibility for the formulation or alteration of a given policy in governance systems of complex decision-making. Interviews form an essential analytical tool to give insights into determining the most effective interregional organisation and policy areas for the RLC case study, the Basque Country, to be able to influence EU policy and decision-making. The final sections of the chapter explain the particular dynamics to the interviewing methods.

The chapter discussed such methods as social network analysis, not because they are an explicit focus, but because they provide useful definitions for network studies, and the thesis, due to its emphasis on networks composed of informal relations that the Basque Country relies on to influence the EU policy and decision-making. The methodology makes use of semi-structured interviews to analyse both formal and informal representational channels. The respondents' claims of instances when the Basque Country was able to influence the EU policy and decision-making process through the central state, interregional organisations, and independently through its institutions, will be cross validated throughout the subsequent chapters with policy documentation. Now after having outlined the theoretical and methodological underpinnings of the thesis in the first two chapters, chapter three provides a brief historical background and analysis of formal representational channels that Euskadi relies on to influence EU policy.

Chapter III: Autonomous Community Participation in the EU: Facilitated through the Central State

Actions are sometimes performed in a masterly and most cunning way, while the direction of the actions is deranged and dependent on various morbid impressions

- Fyodor Dostoevsky, *Crime and Punishment*

Chapter III is about the devolution of authority from the central state to the RLCs. It primarily focuses on Spain and the Basque Country to evaluate how the RLC is represented in the central state, and then how the central state represents it at the EU level. The chapter charts the formal manners in which the Basque Country represents itself, and how the central state facilitates its entry into the EU policy-making arena. To engage in the investigation it is first necessary to outline the Spanish central state structure, and how / if it is representative of the Autonomous Communities. Thus, it will look at the Spanish constitution, the legislative territorial chamber, the Senate, and the ways the Autonomous Communities can be represented formally through the central state. The chapter argues that Spain is a quasi-federal state of an asymmetrical structure where the Basque Country, among other Autonomous Communities, has a competitive advantage in terms of representation and influence therein, but that overall, Autonomous Community representation has been weak until recent years. Competencies will also be explored, especially those which conflict with the Spanish central state to identify the most salient areas where the Basque institutions have been active. In chapter five we return to this issue in order to assess whether the most important competencies in the Basque Country also correlate with those policy areas where it has EU representation.

Taking into account the thesis' research question that considers how the RLC interacts with EU policy and decision-making, chapter three focuses on explaining how the Basque Country relies on formal or central state facilitated representational channels to influence EU policy. In order to analyse the phenomenon, it is first necessary to observe the central state structure, to analyse how it facilitates Basque or, more generally, Autonomous Community participation. In Spain, Autonomous Communities have uneven levels of representation. Thus, the chapter explains the asymmetry inherent in the Spanish system and identifies the most pertinent policy areas that form specific Basque competencies and the contemporary origins of them. Delineation of these policy areas will assist in later determining if the central state facilitates representation of these areas in EU policy, and if Euskadi relies on additional formal and / or informal policy channels to represent its interests, which will be part of the analysis in the subsequent chapters. The

hypothesis is that exclusive Basque competencies or contested policy areas with the Spanish central state correlate with the policy areas in which Euskadi is seeking representation at the EU level, i.e. through IROs (explained in chapter four) or through informal means. Chapter five will look generally at informal means in the EU institutions, and then will focus on specific policy areas that the Basque Country has been able to influence.

A central assumption that will be explored in this and the next chapter is that the Spanish central state and the EU are increasingly facilitating RLC participation. Therein, Spain has been progressively opening its formerly centralised structure to enable Autonomous Communities like the Basque Country to be represented in EU decision and policymaking through the central state. The question of why a central state would decentralise authority will be answered in the conclusion of the thesis. It may be that certain RLCs are so powerful that the central state has no choice. Thus, Tatham argues that “domestically constrained and therefore supposedly weak negotiators often possess disproportional bargaining power” (Tatham 2008: 500). The Spanish central state possibly facilitates Basque representation to avoid the worse scenario, which would be an independent breakaway. An alternative hypothesis is that the central state is giving the Basque Country greater representation opportunities in the EU to control it, or harness its power whereby they interlock or lock the Basque Country into a formalised representative structure that falls within a controlled environment rather than leaving it to act in the EU unchecked (by the central state), i.e. through lobbying or informal means.

I. Types of Federalism

The following section considers Spain in terms of a federal or quasi-federal model. It briefly examines federal systems in order to define the Spanish state structure, which is composed of seventeen Autonomous Communities with disproportionate degrees of competencies and representational power. The section is organised by firstly defining Spanish-type federalism, then it discusses the competencies that give the Spanish Autonomous Communities asymmetrical powers, and lastly, it compares Spain’s asymmetrical structure with the German symmetrical model to reveal differences that help to better understand the Spanish system. In an effort to describe the Spanish pseudo federal structure, Germany provides an ideal comparison because it is a highly horizontal cooperative federalist system and when compared to Spain, it reveals the asymmetry inherent in the Spanish case. Wagstaff illustrates that Germany and Austria are the only EU member states with a central state structure that - in some policy areas - is secondary to its regional parts in some instances and thus provides a model of subsidiarity (Wagstaff

1999:12), or the distribution of competencies between the central state and regional levels. His description offers an illustration of a system of power distribution between the central state and its regional parts. It also provides an interesting starting point to define the term federalism.

The word “federation” has at least two distinct definitions: a) a grouping of states that have the intention of creating a new nation-state, which represents a international unity, or b), simply an organic grouping of entities having only the goal of collaboration for common interests. To further justify the brief comparison of the Spanish and German federal representational models, Keman (2006) states that the comparison of political systems is a central feature of political science. A systematic comparison can assist in developing classifications and typologies that differentiate cases (Sartori 1970; Finer 1999), which are formulated from ‘thick descriptions’ of single nation-state case studies (Keman 2006). Comparison of two state structures can help to more profoundly understand them as political systems (Almond 1968; Lijphart 1975; Lane and Ersson 1994; Keman 2006). Hence, it is valuable to compare the two systems. Additional literature on federalism provides methods to compare these systems.

Mainwaring and Samuels (1999: 5-7) developed variables, which allowed them to grade federal systems on a scale from weak to strong federalism, on the basis of the ability of territories to put pressure on central state initiatives. In weak federalist systems the territorial units have a small degree power to coerce the central government. Conversely, in strong federalist systems the territories are able to limit the capacity of the federal government to create or pass policy initiatives. Federal systems differ in the allocation of financial resources amongst their governmental levels, and the ability of regional governments to secure resources, which make them capable of pursuing their own policies. Mainwaring and Samuels (1999: 6) advance the notion that if regional interests are thoroughly articulated in the national parliament, i.e. in the Senate in the case of Spain, then federalism has the tendency to have wider reaching effects as far as distribution of power or jurisdiction are concerned. Here, the authors differentiate between systems of symmetrical bicameralism in which the upper and lower legislative houses have largely equal powers, and, other systems, whereas the upper chamber (which represents the territorial units) has lesser powers (Mainwaring and Samuels 1999: 6).

Federal systems are bicameral, whereby the legislative chambers have similar powers (Mainwaring and Samuels 1999: 6). Strong bicameralist systems increase the capacity of the regions to constrain the central government because both houses have the power to veto, depending on the policy at hand (Mainwaring and Samuels 1999: 6). Furthermore, territorial

governments with wider ranging constitutional powers are more likely to constrain the central government (Mainwaring and Samuels 1999:6). Mainwaring and Samuels identify an additional factor that limits the national governments' monopoly on power. They coin the factor 'constraints by undermining' whereby subnational policy players can initiate policies in their region that compromise the central state policies (1999: 6). After having generally defined weak and strong federalism, the following paragraphs will discuss Spain's federalist elements.

The terms asymmetrical and symmetrical to define a federal system refer to the repartition of power between a state's territorial divisions or regions. An asymmetrical federalist structure consists of a state, where some of the territorial units have further reaching powers than others in terms of the central government's jurisdiction. In a symmetrical federalist system the regions have equal executive and legislative powers amongst them. Agranoff (2005) states that the Spanish Constitution (1978) remains ambiguous so as to prevent any definition of Spain's state structure as a federal or unitary system (Agranoff 2005: 3). Nevertheless, Agranoff asserts that it is "both parliamentary and federal, with notable asymmetric features" (2005: 1). Hooghe and Marks (2001: xii) argue that since its democratisation in the 1970s, Spain "has become a quasi-federal polity." Nonetheless, the absence of an actual delineation of it as a federal polity is a result of the Constitution's ambiguity. The power structure in Spain is similar to federal states, which is a *mélange* of symmetrical and asymmetrical governance (Agranoff 2005: 1-2). Agranoff cites Duchacek (1987) stating that no federal system is completely symmetrical (Agranoff 2005: 2). The notion of interlock maybe a consequence of the salience of informal channels, or the central state's reaction, or it may reflect the contrary, i.e. the region's way of circumventing formal channels to influence EU policy through lobbying. The lock-in hypothesis addresses the greater visibility of RLCs at the EU level. It asserts that Spain is progressively federalising to lock the Autonomous Communities into a formalised policy-making process so that it can assert greater control over their actions in a multiple level EU system with varying levels of jurisdiction and authority.

As an important side note, asymmetries and the ability of territories to influence central state policy are not always clearly evident when neglecting political party affiliation. Thus, a hypothesis explored in this work is the assertion that political party affiliation increases political influence in policy and decision-making. The interviewee from the Basque counterpart of the United Left-Greens, Ezker Batua-Berdeak, who is a Basque Parliamentarian underlines the fact that the central state ambiguously excludes and / or involves the Autonomous Communities in

policy areas that do / do not belong to them.¹ Several respondents - whose perspectives ranged from regionalist (including Basque and Welsh officials) to statist - maintained that in some instances the central state involves certain regions, above others, in the policy and decision-making process if they share the same political party affiliation.²

Spain has a distinct system of territorial organisation with both asymmetrical and symmetrical federal elements. Its organisation is formed through both bilateral and multilateral agreements concerning central and substate interests (Agranoff 1996: 2005). The unique configuration of the Spanish territorial structure favours certain Autonomous Communities over others granting them special rights and privileges to varying degrees. Andalusia, the Basque Country, Catalonia, and Galicia possessed the largest number of competencies up until other Autonomous Communities obtained competency in education, health, and social services in 2002 (Agranoff 2005: 4). The Basque Parliament representative gave prominence to the exclusive competencies embodied in the autonomy statutes of the Basque Country, Galicia, Andalusia, Catalonia, and Navarre (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). The interviewee underlined the distinctiveness of these five regions vis-à-vis the other Autonomous Communities. Inequalities amongst the competencies of the Autonomous Communities will be further discussed later in this chapter.

Before continuing the discussion on federalism, it is essential to mention the role of the EU in the transfer of competencies. As the MLG approach argues, some member state and regional competencies have shifted away from their locus of control. Competencies have recently and incrementally come under the jurisdiction of the EU, with agriculture and fisheries being prominent examples. Due to the presence of a true 'EU-level decision-making', some competencies have shifted away from regions back to member states because the central states are the main actors responsible for making decisions at the EU level, i.e. through the Council of Ministers. In this regard, the transfer of competencies to the EU in the wake of EU integration can present dilemmas in the governmental relationships between the central state and the Autonomous Communities (Börzel 2002: 6). The integration process is conflictual in this respect because member state constitutions, and more specifically in the case of Spain, autonomy statutes, reserve certain historical competencies to their regions that have become compromised in the name of EU-level policies, for instance those involving taxation (in the Basque case).

¹ Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006

² Interviews: Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006; European Parliament - PNV, Brussels, 2007; European Parliament - PP, Brussels, 2007; Wales Regional Office, Brussels, 2007

In terms of cooperation between the regions and the central state, Germany has a tradition of consensus, while in Spain there is a sense of mistrust and conflict between the central state and the Autonomous Communities (Börzel 2002: 2). The system of federalism in Germany is a cooperative model that avoids conflict in the formulation of policies. The German federalist sharing of power and responsibility amongst the central and regional levels was originally designed to prevent the central government from becoming overly powerful in the post WWII period (Börzel 2002: 45; Hesse 1962). Germany follows a corporatist federal model in which the Länder have the same administrative capacities, which is contrary to the Spanish contentious policy formulation phase (Börzel 2002: 8). Thus, there are less competency conflicts between the Länder and the central state, than with Autonomous Communities. In Germany, there is controversy between the Länder with less developed economic and administrative capacities and those who have greater capacity. German federalism emphasises the principle of ministerial autonomy and fragmentation, which is especially evident in the formation of EU policies and is called the departmental principal (*Ressortprinzip*) (Knodt and Staeck 1999: 15). It assumes an independent role for each federal or regional ministerial or governmental institution, and focuses on cooperation between governmental levels.

To further distinguish the two state models, the next paragraphs turn to the German and Spanish Constitutions in terms of power sharing amongst the respective territorial divisions. Article twenty, section one of the German Constitution [*Grundgesetz (GG)*] declares Germany a federal, democratic, and social state. The *Sozialstaatsprinzip* promotes an equal sharing of power through conformity of standards, regarding quality of life, amongst Länder to ensure equal opportunities. The first three articles of the Spanish Constitution classify Spain as a social and democratic state. It puts forth the values of: legislation: liberty, justice, equality, and political pluralism (Article 1.1). The political structure is defined as a parliamentary monarchy (article 1.3). Similar to the German Constitution, the Spanish Constitution's first article claims that Spain is a social and democratic state, but there is an ambiguity with respect to the degree of state centralisation. According to the Spanish Constitution, sovereignty is established in the Spanish people, but also it declares that the central state establishes the principles of sovereignty. The question posed, in this respect, is whether the central state government has sole control over territorial sovereignty due to the constitutional principle that sovereignty rests in the hands of the central state. The answer is unclear, thus, the Autonomous Communities are not completely sovereign entities but rather their sovereignty rests in the hands of the central state.

Above all, the biggest difference between the Spanish and German state structures is the Spanish state's asymmetrical nature. Article two upholds that the Constitution is based on the indissoluble and indivisible unity of the Spanish nation, which guarantees the right to autonomy and solidarity amongst the nationalities and regions. Furthermore, article 143 declares that the territories' right to obtain the autonomy outlined in article two:

bordering provinces with common historical, cultural, and economic characteristics, the island territories, and the provinces with a historical regional unity may accede to self-government and constitute themselves into autonomous communities in accordance with the provisions of that Title and the respective statutes.

2. The initiative for the autonomous process belongs to all the interested deputations or to the pertinent inter-island body and to two-thirds of the municipalities whose population represents at least the majority of the electorate of each province or island. These requirements must be fulfilled within a period of six months from the first agreement adopted on the subject by one of the interested local corporations.

The Constitution illustrates that the specifics of autonomy is established through both the Constitution and the Autonomous Communities' respective statutes of autonomy. Hence, many of their competencies are outlined in the autonomy statutes, which is why the chapter analyses the competencies agreed to be transferred from the central state to the Basque Country in the Statute of Guernica (1979).

II. Legislative Houses

After having explained the general state structures as seen through the constitution, the next paragraphs compare other state institutions, such as the parliamentary chambers for regional representation. In Germany, there is a high degree of horizontal cooperation amongst the Länder and vertical collaboration between the central government and the Länder. For example, *Gesamtstaat* is an institutional conference where the Länder presidents meet with the German Chancellor (*Bundeskanzler*) with the intention of promoting consensus amongst the different federal levels. The Länder are represented through their regional parliaments via the Bundesrat. In the German case the institutional structure represents the territorial structure. To the contrary, the Basque parliamentary interviewee working for the president's cabinet described the Spanish Senate as an auxiliary or temporary solution at the time of democratisation, which is why there is dialogue about its reform (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). It is not a chamber of territorial representation, but rather, a legislative house that is structured according to political parties and facilitates political and not territorial debate. For example there are no purely *Basque* senators, but rather, they are political party members. Hence, if two Autonomous Communities have the same political parties in power, then there are

automatically shared interests that promote cooperation between them. An interviewee from the president's cabinet of the Basque Parliament explains the origins of the Senate from the transition from the dictatorship to democracy and its lack of territorial representation due its structure based on political parties.

the Senate has been an auxiliary, which is to say that it was a house that came out of a paradox, and that's why we're speaking about its reform. Why...? Because today it's a Congress, that is structured according to political parties, it's not a true legislative house of territorial representation. [...] The Socialists follow a statewide political line, like the Popular Party, and the others also make a common line of their own. The Senate does not provide territorial representation, but rather a political debate. There are no Basque senators, because they belong to the political parties. There is no territorial representation issues that directly affect the Autonomous Communities (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006)

The respondent's statement supports that earlier mentioned hypothesis that political parties have a large role and the argument that Spain's institutional structure is asymmetrical and lacks horizontal cooperation in the legislative houses. Together with the predominance of political parties, probably, the most important difference between the Bundesrat and the Senate is the ability to veto bills and laws. The Bundesrat can veto legislation that has either an impact on Länder's powers or alters the German Constitution (*Grundgesetz*). In Spain, there is not a true territorial house of parliament because seats are allocated to political parties and not territories even though article 69.1 of the constitution states that the Senate is the house of territorial representation. The Autonomous Communities do not have the power to veto, and there is a minimal degree of horizontal cooperation amongst them. In fact, article 145 of the constitution regulates horizontal cooperation and prohibits federation amongst the Autonomous Communities. Nevertheless, the Conference of the Presidents of the Autonomous Communities in November 2004 proved advantageous to the Autonomous Communities in its recommendation to create an institution to represent them conjointly before the EU. It forms proof that the central state is opening up representational channels for the Autonomous Communities while still maintaining the upper hand.

The next section will outline the composition of the Spanish legislative chambers and the constitutional articles that regulate them. The Congress of Deputies has 350 members directly elected for a period of four years. The fifty Spanish provinces constitute a single electoral district, and each one has the right to a minimum of two seats, along with Ceuta and Melilla (autonomous cities). Thereafter, the remaining 248 seats are divided according to the population of the fifty provinces (Álvarez Rivera 2008). The elections are administered through closed lists,

and the seats are counted utilising the d'Hondt method.³ A given party needs three per cent of the vote of the given electoral district to be able to have a seat, and the candidate with the greatest number of votes in Ceuta and Melilla also obtains a seat (Álvarez Rivera 2008). The d'Hondt system favours large parties in its calculations of the allotment of seats, which helps explain the large degree of polarisation of the two largest parties, the Popular Party and the Socialists.

As mentioned, article 69 of the Spanish Constitution distinguishes the Senate as the house of territorial representation. Considering the allocation of seats, there are 208 senators and the constitutional article 65 explains that each one of the 47 peninsular provinces elects four senators, three for each of the large islands (Gran Canaria, Mallorca, and Tenerife), and one each for the smaller islands (Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote, and La Palma). Ceuta and Melilla can elect two senators each. The Autonomous Communities are designated one senator and another per million inhabitants of their respective territory. The laws governing elections corresponds with the Autonomous Community election authority whose authority originates in their specific Autonomy Statutes (Spanish Constitution article 69.5). Álvarez Rivera explains that in the electoral districts, which have four senators, the electors can vote for a maximum of three candidates. The large islands and the autonomous cities (Ceuta and Melillia) have one seat. The electors vote for individual candidates, those that obtain the largest number of votes in each electoral district are elected for a term of four years. In addition, Álvarez Rivera discloses that in the individual legislative assemblies of the Autonomous Communities (the territorial entity above the provinces) have the right to nominate at least one senator each, thus, one senator per one million inhabitants (Álvarez Rivera 2008). The previous exploration of the constitution does not make the Senate appear to be overtly non-territorial. Nonetheless, both central state-based and regionalist entities reveal its representativeness of political parties and not of Autonomous Communities, which is further exacerbated by its lack of veto power vis-à-vis the Congress of Deputies.

The Senate website (Senate 2008) notes that the Senate has the power principally to act before the Congress of Deputies in four areas. Firstly, it can act before the Congress to authorise cooperation agreements between the Autonomous Communities (Spanish Constitution: article 145.2). It is important to emphasise that the Autonomous Communities can hold meetings among themselves for the management and presentation of their own services, but they have to

³ The Spanish electoral law is outlined in the Organic Law of the General Electoral Regime (*Ley Orgánica del Régimen Electoral General*).

inform the *Cortes generales* of the meetings (Senate 2008). It is obvious that their requests may lead to impasse if the political parties in the legislature sense a political threat in the object of the meeting. Nevertheless, constitutional article 145.1 prohibits the federation of the Autonomous Communities, which demonstrates the ambiguous nature of the legality of the Autonomous Communities' ability to assemble.

The Senate does not represent territorial divisions in Spain, hence according to many it must be reformed, but the reform must be consensual. The Popular Party, which is a statist party, also asserted the need for reform in its 1996 electoral manifesto, but it has not been emphasised in recent years. Due to the fact that the amount of senators is raised according to population (every 1,000,000 inhabitants), the provinces do not have proportional weight, for example a highly populated province can have almost the same number of senators as a province with a small population.

Providing a central state focused perspective, due to his centrist political party posture a MEP interviewee from the Popular Party declared that for the Senate to be representative of the Autonomous Communities, the number of Senators must depend on the territorial weight of the Autonomous Community according to population (Interview, European Parliament - PP, Brussels, 2007). In his statement, the respondent supports the assertion that there is a substantial degree of party polarisation. He refers directly to the Senate stating:

the Senate is a black mark and this has to change, and I believe that we all agree that it has to change and there must be a reform, but the reform has to be consensual between the large parties the PSOE and the PP.. I believe that it has to become a legislative house of territorial representation with more... more senators and this has to be approved by the Autonomous Communities... La Rioja cannot have the same number of Senators as Madrid... La Rioja has 250,000 inhabitants and Madrid has 7,000,000. When comparing Madrid with La Rioja they're not proportional, there's not a proportional weight, thus I think that there must be a repositioning of the Senate and I think that we all agree with this fact and that there will not be any problem with the discussion of the reform must depend on the territorial weight of each Autonomous Community... It must be a legislative chamber of autonomous representation (Interview, European Parliament - PP, Brussels, 2007)

The Basque parliamentarian from Ezker Batua-Berdeak further commented that the Senate needs to be a body of territorial representation that is composed of territories that coincide with the Spanish state structure. It requires a new configuration to be capable of reacting to instances when a decision affects a territory and the Senate must be consulted (Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006)

Nevertheless, returning to its formal structures, there are two bodies within the Senate that represent the Autonomous Communities: the Chamber of the Autonomous Communities (*Cámara de las Comunidades Autónomas*) and the General Commission of the Autonomous Communities (*Comisión General de las Comunidades Autónomas*). The Chamber of the Autonomous Communities has fifty-four members. The provinces designate the members of the Chamber and they can appoint one senator each, plus an additional one more per million inhabitants (Senate 2008). It is noteworthy that it is the provinces, and not the Autonomous Communities that nominate the members, thus reiterating the previous points of the Senate not being representative of the Spanish territorial composition. Furthermore, article 56, section V of the Spanish Constitution paralyses the General Commission of the Autonomous Communities by solely allowing it to exert its power in non-legislative acts. Thus, it gives this body a non-legislative character, implying that it cannot do much more than emit reports and be informed about processes outside of its control. It does not have a real decision-making veto, and therefore, does not have almost any effective legislative power concerning basic legislation. Article 56 under title three of the Senate Regulation describes the organisation and functions of the Senate in the fourth chapter (on the commissions on the regulation of the Senate). It defines the functions of another organ that represents the Autonomous Communities, the General Commission of the Autonomous Communities, which was created through the reform of the Senate Regulation passed on 11 January 1994 (Senate 2008).

I will now highlight some of the most important competencies of the Senate embodied in the Senate Regulation, article 56, sections a-u (Senate 2008). In autonomous matters, the Senate can a) initiate formal studies pertaining to issues that affect Autonomous Community competencies, b) obtain information concerning meetings between the Autonomous Communities and ensure that they are authorised by the legislature (*cortes generales*), c) attain information from the Spanish central government relative to agreements between it and the Autonomous Communities, d) receive reports about the Constitutional Tribunal proceedings in reference to its standards and cases related to the Autonomous Communities, e) promote the collaboration between the distinct public administrations, f) ask for Senate authorisation to oblige an Autonomous Community to fulfil its constitutional obligations, and, g) remit an annual report to the Senate president about the functioning of the system of autonomous communities.

Therefore, there are certain areas whereby the Senate has exclusive rights to act before the Congress. However, there is still an inequity of power and the Congress remains the dominant

legislative house. Title III, chapter IV, section two, article 56 of the Senate Regulation (1994)⁴ concerns their appropriation, distribution, and regulation over the Interterritorial Compensation Fund. The Fund originates from the Spanish Constitution article 158.2 (Senate 2008). The Constitution explains that the Fund is meant to prevent economic inequalities and promote equality in the whole of the Spanish territory. The Senate can oblige the Autonomous Communities to follow the Constitution, and other laws that are imposed therein as a result, especially when their actions constitute a violation of the central-state's general interests (article 155). The Senate can also act prior to the Congress' ex-ante appraisal of its necessity to dictate laws about the harmonisation of legislative acts across all the Autonomous Communities (article 150.3). Nevertheless, the same section upholds that their ability to act, in this respect, necessitates the approval of an absolute majority in both houses. The previously mentioned point is essential because it demonstrates the lack of the Senate's exclusive powers. It is clear that there must be a consensus amongst both houses, but power must be distributed evenly between them, not concentrated principally in the Congress for them to be truly representative of both the central-state and the Autonomous Communities.

Supporting the arguments regarding the Senate's lack of authority, the interviewee from the Spanish Permanent Representation in Brussels before the EU - who represents the central state position -demonstrated her disapproval of the Spanish Senate for its failure to live up to expectations as the central state based house of territorial representation as the Spanish Constitution (1978) identified it. It is notable that although the interviewee's position reflects that of a spokesperson at the central state level, yet she is still able to express an objective perspective towards the Autonomous Communities. In this respect, it is noteworthy that the Reper representative is also a representative for the Autonomous Communities in the EU, and thus, must also present their positions before the EU institutions. Herein she outlines deficiencies in territorial representation in the Senate.

We have a problem in Spain with territorial representation because the Senate is not a chamber of territorial representation, there are not any representatives of the Autonomous Community governments. There is not a chamber of representation for the Autonomous Community governments. There is the conference of the Autonomous Community presidents, which always requires a certain degree of voluntarism wherein the structure and competencies of the Autonomous Community before the central state are not formal, not institutionalised relations only voluntary. Germany has the Bundesrat that is where the territorial governments are extremely powerful. A similar system needs to function in Spain where the regional governments have a direct relation with the central state. We'll see about the principle of subsidiarity (Interview, Spanish Permanent Representation, Brussels, 2008).

⁴ See end of chapter

There is not a legislative chamber on a statewide scale that represents the Autonomous Community governments. The conference of the Autonomous Community presidents, as we saw, is not a formal body, based on institutionalised relations, but rather is only voluntary. Nonetheless, the interviewee from Reper appeared to allude to the issue of subsidiarity in the early warning system as a hope for Autonomous Community representation. The early warning system refers to a procedure outlined in Protocol on subsidiarity, which has been recognised as an important part of the Treaty of Lisbon, it gives the national parliaments legitimacy to evaluate if the EU has considered the lowest possible levels in the creation of laws, which will be discussed further in chapter five.

Leguina Villa described the Senate, Spain's upper legislative chamber, as the most defective and most useless entity of the Spanish constitutional architecture because the way it functions does not correlate with constitutional powers to conform with Spain's autonomist structure (Leguina Villa 1997: 209). Murillo de la Cueva claims that autonomous participation is extremely weak, and he principally criticises the Senate's position as a legislative chamber of second reading (Murillo de la Cueva 2000: 44-45). It is certain that it requires definite reforms, however the Popular Party had initially disregarded any type of constitutional reform (Murillo de la Cueva 2000: 46). A possible reason is that it could have led to their reduced ability to influence policy in the Senate due to nationalist pressure. On another note, alternatively, the nationalist political parties can introduce their respective Autonomous Community position in the Congress, but it is done through political parties and as purely Autonomous Community representative. Either way, Murillo de la Cueva's assertions support the notion that there was a lesser degree of cooperation between the Autonomous Communities and the central state during the PP's term in office, which could be attributed to their lack of need for nationalist support to govern.

Although one of the European Parliament's interviewees was a Popular Party Europarliamentarian, and therein, defended the centralist tendencies of the Spanish Government, he still supported Senate reform. He asserted that its electoral districts do not correlate with the principles of territorial representation and also referred to its lack of power in the face of the Congress. The statement is not entirely surprising due to the fact that PP party manifestos of the 1990s also supported the reform of the Senate in favour of better representation of the Autonomous Communities, or for obtaining more coalition partners.

In the Senate you know that there aren't territorially adequate electoral districts [...] at the end of the day they're not open and the Senate has to be open, and its decisions never completely change what is voted in the Congress... I'm for example a majoritarian of the Spanish state... Therefore, I believe that the MEP - I believe that it's more convenient for

the nation, for the country, that there is a single electoral district in the EU, but that does not take away from others' right to voice and defend their interests (Interview, European Parliament - PP, Brussels, 2007).

The interviewee made his centrist tendencies clear. Nevertheless, he also put forward the view that the current situation of an electoral district could represent an anti-democratic tendency because if a political party has an absolute majority it does not need to form coalitions to be able to pass legislation, and thus, they can legislate without the consent of the Autonomous Communities. (Murillo de la Cueva 2000: 50). Another alternative is the domination of large parties in the Spanish system. For example, the Socialists were able to form a government with the aid of the Popular Party after the Basque general elections (2009), which enabled them to form a government without wide-ranging nationalist party support.

III. Asymmetry and Competencies Amongst Autonomous Communities

The ensuing section outlines the constitutional articles focusing on special status enjoyed by certain Autonomous Communities. It gives a concise historical overview of the events leading up to the creation of the Autonomous Communities and the establishment of their autonomy statutes, which outline their distinct competencies and powers within the Spanish central state apparatus. As mentioned earlier, ambiguity rests in article two, which speaks about the indissoluble Spanish unity wherein exists a right to autonomy. Article 137 enables the demarcation of the Spanish territory into municipalities, provinces and Autonomous Communities. It now consists of seventeen Autonomous Communities, which are subdivided into fifty provinces. All Autonomous Communities attained autonomy by 1983 (Agranoff 2005: 3). On 31 July 1981, Leopoldo Calvo-Sotelo, the president of the government, and Felipe González, leader of the Socialists, formulated the first autonomy accords. The ensuing political agreements created seventeen autonomous communities, which possessed the same institutions but distinct competencies (El Mundo 2005: 1). Thus, the Constitution and the autonomy was of an asymmetrical nature from the beginning of the democratic transition in Spain and the Constitution provides numerous examples, as previously mentioned. For example, there are two constitutional articles that offer two distinct forms and paths to autonomy. The territories of Spain are granted an inferior degree of autonomy through article 143, as opposed to those that obtained their autonomy through article 151.

The Spanish Constitution clearly differentiates amongst Autonomous Communities to give the state an asymmetrical structure. The Constitution elaborates on two distinct manners to obtain autonomy and competencies in articles 143 and 151. The three historic regions, the Basque Country, Catalonia (1979), and Galicia obtained their autonomy along with Andalusia through the procedure outlined in article 143. The Spanish central state has the right to authorise the creation of an Autonomous Community when their territory does not consist of more than a single province and it does not meet the conditions set out in article 143.1 (Spanish Constitution: article 144a). Nevertheless, with respect to the asymmetry amongst Spanish Autonomous Communities, their respective autonomy statutes define differing degrees of competencies. Pérez Royo explains that the ambiguity of the autonomist model created by the Spanish Constitution originates in the fact that it does not define the standard (*norma*), only the exception, or better said, the non existence of a model. (Pérez Royo 2002: 1015). In effect, the previously mentioned ambiguities make it difficult to define the institutional structure of Spain.

The autonomy route (fast route) was attributed to the historic territories: Catalonia, Euskadi, and Galicia, whose territories originated in their plebiscites and statutes established under the Second Spanish Republic (Agranoff 2005: 3). The Second Republic lasted from Alfonso XIII's declaration in 1931 until 1936. The year was significant because not only did it mark the approval of the Basque Statute of Autonomy by the *Cortes generales* (Spanish legislative houses) in October, but the ensuing civil war would see the end to their autonomy vis-à-vis the federalist structure developed under the Second Republic. The period also signalled the beginning of Franco's dictatorship, which lasted arguably until his death in 1975. Thus, actual Basque autonomy lasted only nine months (Fusi Aizpurúa 1979: 58). Muro argues that it was never fully implemented due to the civil war (1936-1939) (Muro 2005: 578).

The Organic Law for the Harmonisation of the Autonomous Process (*Ley Orgánica de Armonización Autonómico* - LOAPA) (1982) established that the transfer of competencies from the central state to the Autonomous Communities would be done progressively to each Autonomous Community (El Mundo 2005: 1). There were obstacles to the law because the Autonomous Communities argued that a central state law could not limit their constitutional competencies (El Mundo 2005: 1). In 1992, the second autonomous agreement was an effort to transfer thirty-two new competencies, such as education, in an effort to equalise the development of the slow route Autonomous Communities with the others (El Mundo 2005: 1). Another example of a competency area that was transferred to almost all the Autonomous Communities includes control of press, radio, and television. The actions by the central state could be

interpreted as evidence supporting the lock-in hypothesis, which divulges that it is more effective for the central state to control competencies when there is a legally bound agreement that limits their transfer rather than leaving the regions uncontrolled.

Competencies are not only a major source of asymmetry, but also, a major factor involved in the policy areas in which the Basque Country attempts to influence the EU policy and decision-making process, which, as this work argues, generally correlates with their areas of expertise. The *Pacto Autonómico* (1992) was the impulse for the transfer of many salient competencies, such as in education and health care (Agranoff 2005: 6). Nonetheless, the central Spanish state has assumed an exclusive role in some EU representation and has “eroded some Autonomous Community competencies” in policy areas such as: agriculture, culture, energy, environment, fisheries, industry, and transport (Colino 2001; Agranoff 2005: 7). Article 149 of the Spanish Constitution outlines the exclusive central state competencies and article 148 outlines the competencies that the Autonomous Communities can assume. Although the central state may have exclusive powers, in practice there are many powers that are shared with the Autonomous Community governments, including regulation of: education, social services, universities, and municipal supervision (Argullos and Agranoff 2004; Agranoff 2005: 5-6). The Autonomous Communities have competencies in “health, education, urban development, and municipal supervision” (Agranoff 2005: 6). The policy areas that have been transferred from the central government to the Autonomous Community governments vary. The majority of them have the same level of transferred competencies (other than the Basque Country, Catalonia, and Galicia who have a larger degree), which are: health, agriculture, fisheries (except in international relations), social policy, and employment. There are further minor asymmetries in existence due to historical factors in other Autonomous Communities, such as Andalusia, Galicia, Valencia, Aragon, Asturias, the Canaries, and the Balearic islands where there also exist nationality or distinctiveness claims (Agranoff 2005: 8). Nevertheless, these have not acquired such a large degree of competencies as Catalonia or Euskadi from the central state. The languages spoken in the Autonomous Communities are another factor for asymmetry in Spain. There are three co-official languages, which carry varying degrees of power and influence in the historic Autonomous Communities of the Basque Country, Catalonia and Galicia.

The transfer of competencies from the central state to the Autonomous Communities took place in the years following the founding of the Constitution (1978). The Reper official, who demonstrated a central state focused perspective, stated that the Autonomous Communities mostly have the same levels of competencies. Nevertheless, she does specifically refer to two

competencies distinguishing the Basque Country from the others, namely employment and environment. They are notable areas due to the fact that several interviewees delineated them as salient policy areas for Euskadi.⁵ Employment is a competency that the Basque Country originally petitioned for, but later it did not conform to the agreement for its transfer. The interviewee also stressed that environmental policy is a policy area where the Basque Country has a large degree of influence.

Almost all of the Autonomous Communities have the same level of transferred competencies, which are: health, agriculture, fisheries - except in international relations -, social policy, employment, which the Basque Country does not have because it did not agree with the commission when the competencies were transferred. They wanted more than what was transferred to other Autonomous Communities. They have environmental competency. The Basque Country has the highest degree of competencies above the other Autonomous Communities in fiscal policies or taxation and they have an autonomic police force, which is also the case in Catalonia (Interview, Spanish Permanent Representation, Brussels, 2008)

Asymmetrical competencies lead to privileged status within the Spanish central state, for example, harbour and petroleum taxes are exempt from EU value added tax. The Catalan government has gained “regulatory and operational control over its financial institutions” and has “shared legislative controls over banking operations”. Both Catalonia and Galicia have distinct legal codes with regards to “civil or private law, family legislation, land tenure and land inheritance” (Agranoff 2005: 4). The aforementioned asymmetries refer to those, which are inherent in the structure of the *estado de las autonomías*, but there are also other asymmetries, which Agranoff (2005) attributes to the regulation of economic circumstances, such as unemployment. Some maintain that policy areas such as employment should be regulated at the most local level because it is best suited to attend to region specific factors, which reflect the subsidiarity line of reasoning. Others may argue that it is best administered at a state wide level to maintain market stability and competition.

After having broadly discussed asymmetry in the Spanish state and addressed criticism on the lack of a legislative body providing adequate territorial representation, I will discuss the Basque Country’s preferential treatment within Spain. The interview with the respondent from Reper provides evidence of the Basque Country’s desire for preferential treatment and its ability to influence central state and EU policy without the assistance of the aforementioned Sectorial Conferences. The interviewee stated that they wanted more competencies than were transferred

⁵ Interviews: Delegation of Euskadi, Brussels, 2005; Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006; Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006; Basque Parliament - President’s Cabinet EU Affairs, Vitoria, 2006; European Parliament - PNV, Brussels, 23 January 2007

to other Autonomous Communities (Interview, Spanish Permanent Representation, Brussels, 2008). The interviewee from the Basque parliament confirmed that if the Basque Country and Navarre needed to discuss taxation issues, for example, it was not necessary for them to present the issues to the Sectorial Conferences because they can speak directly to Madrid (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Nevertheless, as the Basque Government interviewee in charge of EU affairs pointed out that their lack of necessity to address issues in the Sectorial Conference, Carce, does not signify that the Basque Government does not participate therein, only that they are not dependent on it as a formal channel (Interview, Basque Government - EU Affairs, Bilbao, 2006). It may participate to maximise its influence by seeking representation and a voice in every possible institutional channel, regardless of that channel's overall effectiveness, which is coined the lobby maximisation hypothesis

Basque nationalist claims also focus on preferentiality. One Basque nationalist interviewee continually argued his points from a PNV perspective, which is both a Basque nationalist and Christian Democratic party. He advocated a preferential and asymmetrical federalism in which the Basque Country should have special treatment (Interview, Basque Government - PNV External Affairs, 2006). Simultaneously, the interviewee expressed a post-nationalist idea of Europe as a conglomeration of different cultures, histories, etc. He mentioned that the EU cannot homogenise and argued that it must form a federal unity from the bottom up.

His opinions are useful because they represent Basque nationalist arguments for Basque preferentiality and also aims for achieving EU influence. Until the May 2009 elections the PNV held a majority government in the Basque Country since the Constitution (1978). They lost their majority due to the Socialist election success in the Basque parliamentary elections (2009) and the Socialist's ensuing coalition with the Popular Party to be able to obtain the majority in government.

Most Basque interviewees and other representatives who hold a regionalist disposition, including an official from Catalonia, believed that the central state disregards the special competency areas of the Basque Country and Catalonia.⁶ The Basque Government representative from the PNV highlighted the specificity of not only the Basques, but also the Catalans, especially in the economic sector (Interview, Basque Government - PNV External Affairs, 2006). It is quite clear

⁶ Interviews: Delegation of Euskadi, Brussels, 2005; Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006; Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006; Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006; Interview, European Parliament - PNV, Brussels, 2007 ; Interview, Catalonia Regional Office, Brussels, 2005; Interview, University of the Basque Country, San Sebastian, 2007

that the interviewee presented the Basque Country and Catalonia as the most appropriate Autonomous Communities to lead the others, thus resenting any equality or symmetry between them and the other Autonomous Communities, i.e. a *café para todos* situation whereby all the Autonomous Communities possess the same degree of competency and receive equal treatment. His other comments are noteworthy considering that the Basque Country and Catalonia are some of the strongest Autonomous Communities economically. Therefore, another assertion to test in later chapters is whether the economy represents an area that specifically drives interests at the EU-level. Therefore, it will be interesting to see if the policy areas where the Basque Country is attempting to influence EU policy are primarily economy driven.

The Basque interviewee from the PNV gave an account of the Basque Country's preferential treatment, which is a key element of nationalist discourse (Basque Government - PNV External Affairs, 2006). The central state's official line is that certain Autonomous Communities, i.e. the Basque Country, Catalonia, and Galicia, do indeed have certain exclusive competencies rooted in history that differentiate them. Nevertheless, there are at least two competing political positions that can be used as a basis to evaluate the perspectives of the Basque Government interviewee representing the PNV nationalist perspective. One is an asymmetrical federalist model of nations with special rights privileges, and the other is a symmetrical federalist model of administrative regions with equal powers.

Euskadi is a pueblo... Very small, like Bremen... Euskal Herria has three million people. Our aim is to defend our positions in the decision making process in the economic sector. And we are fighting for this in Spain. Spain says "*café para todos*", so that the Basques and Catalans do not reach the decision making process, everyone is equal, and there is the factor of jealousy... Many Autonomous Communities say and why the Basques? We are different, we are not less, all are equal as people, we all have the same rights, but there are pueblos that have a collective will. Thus, it's a pueblo that votes in Brussels and it makes its own decisions to a certain degree.... So, we want our role in Europe (Interview, Basque Government - PNV External Affairs, 2006)

The Basque interviewee's statements demonstrate nationalist ideological leanings throughout his statements that the Basque Country deserves special rights, not only in Spain, but also in the EU (Basque Government - PNV External Affairs, 2006). Notably, he also makes it clear that not all the Autonomous Communities deserve equal rights, and emphasises the economy as a defining element, which was a possible primary motivation for achieving EU influence amongst interviewees, as aforementioned in a hypothesis. Both Umberto Bossi's political party, the Northern League in Italy, and the PNV seem to be supporting a similar asymmetrical or nationalist model in each of their respective territories. Besides the nationalist preferential arguments posed by the Basque interviewees, the notion of exclusive competencies for specific

Autonomous Communities is a principal defining element giving the Spanish polity a asymmetrical pseudo-federalist structure. As the respondents demonstrate, nationalist parties sometimes over-embellish their special and unique values at the expense of the other Autonomous Communities. To the same respect, Umberto Bossi, the leader of the Italian Northern League, displayed mistrust with southern Italian regions dealings with Rome, because they were seen as diluting the northern regions' 'special' claims. When Bossi became Italian Minister for Institutional Reforms and Devolution, and was working on Italian constitutional reforms in 2001, it was evident that he did not want to create a 'Senate of the Regions' for fear that the southern regions would ally with the central state and put the northern regions in a minority, hence, Bossi campaigned for 'devolution' and not for federalism (Bull 2002: 195). In a similar light, political party alliances in Spain also form a source of consensus between the central state and regions when in coalition with them, and contention when there are distinct political parties in power in the Autonomous Communities and the central state. His actions also support the lock-in hypothesis in that his party opted for devolution whereby the central state would maintain a large degree of control, rather than a federalist structure that could give unrestrained powers to the Italian regions.

IV. Euskadi's Exclusive & Contested Competencies

The following section focuses its attention on the specific competencies enjoyed by the Basque Country and its respective territories. The section is, by necessity, largely descriptive to give the reader an overview of the Basque political and institutional structures. The section will focus mainly on the Basque perspective because the hypothesis is that the areas that they consider salient correlate with the areas where they have or at least attempt to informally lobby the EU institutions (chapter five). I will begin by outlining Euskadi's internally fragmented structure due to the power enjoyed by each of the three provinces to provide a brief overview of the Basque Parliament and Government institutions and EU policy players. The Spanish Constitution (1978) and the Statute of Guernica (1979) are the primary documents that recognise the transfer of competencies from the central state to the Basque Country. Related to the transfer of competencies, the Congress of Deputies passed the *Ley Orgánica de Armonización del Proceso Autonómico* (1982) (LOAPA), which establishes the basic laws that regulate the Autonomous Communities. It entailed the progressive transfer of competencies to each Autonomous Community and the nationalists argued that the Autonomy Statutes are texts with constitutional character and could not be limited by state law. In 1983 a court judgement based on the Constitution invalidated 14 of the 38 articles of the law (El Mundo 2005).

The two most powerful legislative and governmental organs in the Basque Provinces are the *Juntas Generales* (parliamentary institution) and the *Diputaciones Provinciales* (governmental institution). The General Assemblies (*Juntas Generales*) are a type of legislative assembly of provincial parliaments and *Diputaciones Provinciales* are provincial governmental institutions. Both legislative assemblies are based in the historic rights or *fueros* of each of the three Basque provinces: Álava, Vizcaya, and Guipúzcoa. The Law of Historic Territories (*Ley de Territorios Históricos*) governs the relations between the provincial and autonomic institutions. I use the word ‘autonomic’ institutions instead of ‘provincial’ ones to differentiate those governing institutions that have jurisdiction over the whole of the Basque Autonomous Community and not solely the provinces. The Law of Historic Territories and the Statute of Autonomy is the basis that establishes a co-federal model of governance in Euskadi based on its own institutions. Its primary principle is respect for equality in the three territories.⁷

The Spanish Constitution (1978) specifically sustains respect for the historic rights of the *foral* territories in the Basque Country (Spanish Constitution: *Disposiciones Adicionales*). Thus, there are central autonomic institutions for the whole of the Basque Country, i.e. the Basque Government and Parliament, and then there are *foral* or historic institutions in each of the three provinces of Alava, Guipúzcoa, and Vizcaya. Therein each province has its own strong government and power in fiscal policies, transport, agriculture, and culture. Additionally, there are also local administrative levels, thus, there are four modalities of varying jurisdiction (central state, Autonomous Community, provincial, and municipal). Over and beyond the four levels, Euskadi and Navarre have their own tax regimes and a large degree of control over their economic policy through their *Concierto Económico*, or *Convenio Económico* (in Navarre), which originates in their *foral* laws that are considered as previous to the Spanish Constitution and grant them fiscal autonomy from the Spanish central state. Therein both Autonomous Communities have the right to impose taxes while the other two historic regions, Catalonia and Galicia, do not possess this competence. Apart from the Basque Country, the power to impose taxes is the exclusive competency of the Spanish central state. The Spanish government also facilitates unconditional grants through the Interterritorial Compensation Fund (*Fondo de Compensación Interterritorial*) with the goal of reducing economic asymmetry through redistribution of wealth. The Fund redistributes finances between the Autonomous Communities, and therein, is a source of conflict amongst them

⁷ http://www.hiru.com/es/gizarte_zientziak/gz_00450.html - *La organización política de la sociedad* (accessed 22 may 2007)

According to the Basque Government interviewee in charge of EU relations, the most important competency for the Basque Country is fiscal. There are five fiscal systems that include three Basque provincial systems, the Basque Government, and the Spanish central state. They encompass a type of multi-level fiscal configuration within the Basque Autonomous Community in which each level has its own responsibilities. A respondent in charge of the Basque Government's EU relations pinpoints the complexity of the Basque *foral* and provincial powers in fiscal policy and also highlighted the potential of the Basque economy.

We've at least three strong administrations, the *foral* or the three territories' historic rights, the Basque Autonomous Community, the central state, and obviously the local and administrative levels. Therefore, they're four modalities. The Basque Country makes its own fiscal budget and also dictates 'obligatory fiscal legal standards' (*normas impositivas con carácter legal*).⁸ Thus, there is no other country in the world with a comparable regime and also consider the competencies that set the Basque Country apart further from the other Autonomous Communities in the Spanish state, for example, policing, which is financed through the Basque Country's budget. So, the *foral* Provincial Administration (*Diputación*) collect their own taxes and dictate 'obligatory fiscal legal standards' (*normas impositivas*). The annual tax revenue can come to one billion euros annually, a large figure, but to finance city and provincial councils. If you look at per capita figures, the Basque Gross Domestic Product (GDP) compares with the level of the EU-25. Unemployment has decreased from 23% to 5% in the last 12 years. Among the young from 50% to 10% in the last 10-15 years. (Interview, Basque Government - EU Affairs, Bilbao, 2006)

The interviewee makes the point that - in addition to exclusive fiscal competencies - the Basque Country has a powerful economy with low unemployment levels, which is at similar level of prosperity as the other EU member states. It is notable that the Basque fiscal system is not regulated at the Autonomous Community level, but rather, it is organised provincially, which falls within the concept of shared sovereignty - or the division of authority between the Basque provinces. Each of the three Basque Provinces has the power to collect taxes, which contributes to an internal coordination issue within the Basque Country, but which is also exacerbated with the questions of coordination and competency with the central Spanish state in issues of taxation. The Basque Country has competence in police, which is financed through the Basque Country's own budget. The *foral* or provincial administrations (*diputación*) have competency to collect taxes and dictate 'obligatory fiscal legal standards.' Accordingly, the provinces or historical territories each have their own fiscal sovereignty. Each Basque province, along with the Autonomous Community of Navarre can:

- a) dictate tax laws
- b) collect taxes

⁸ Norms or legal principles / standards that must be applied to the specific case, which is Taxation and the Fiscal Budget in this case.

c) give aid to businesses, which actually according to the European Court of Justice (ECJ), violates the open market, which was recently discussed in the ECJ and will be analysed in chapter five.

After having described the Basque Country's distinct fiscal system, regulated at the provincial level, the following paragraphs identify policy areas and competencies that remain a source of controversy between the Basque Country and the Spanish central state. The policy areas are primarily those that were originally agreed in the Statute of Guernica (1979), but they were never officially transferred to the Basque Autonomous Community. Basque nationalists argue that the Statute of Guernica's provisional reach during the post-Franco transition to democracy gave impetus to the Ibarretxe Plan. The subsequent sections discuss the Statute of Guernica and the Ibarretxe Plan because the latter is the first formal attempt to reform the statute in recent years, and it reveals highly salient or conflictual competencies or policy areas between the Spanish central state and Euskadi. The point of the analysis of contested competences is to begin to find answers to the question of why the Basque Country would seek EU representation. Possible answers could include: a) the government or parliament are not content with the policy areas that they already have, b) they have lost competencies in the wake of EU integration, or, c) there were certain competencies agreed to in the Statute of Guernica, and of which have not been transferred to Euskadi by the central state, and, thus these competencies are contested.

V. Statute of Guernica

Title one of the Statute of Guernica sets out the Basque Country's competencies. Although there is disagreement on specific competencies, it is the general consensus in the Basque Country - and the central state also acknowledges - that not all of the competencies outlined in the Basque Statute of Autonomy were entirely transferred. Thus, Ibarretxe, the *ex-Lehendakari* of the Basque government (1999-2009) announced the unilateral transfer of nineteen of them, which are currently exclusive central state competencies. They include policy areas concerning: new posts for the Basque police (*Ertaintza*), programmes related to Basque political prisoners, the Basque public employment service (INEM), and Basque judicial powers. The Spanish central state replied that it would appeal any decision that would invade its competencies (El Mundo 2002b). A law lecturer from the University of the Basque Country asserted that welfare and healthcare services, for example, are coordinated considerably well at the autonomous level in the Basque Country (Interview, University of the Basque Country, San Sebastian, 2007).

The Statute of Guernica is a legal doctrine adopted by both the Basque and Spanish (*Cortes generales*) parliaments. Therefore, as a lecturer from the University of the Basque Country stated during an interview, it is an *Organic Law (Ley Orgánica)*, which implies that it must be implemented and followed by both Euskadi and the central state (Interview, University of the Basque Country, San Sebastian, 2007). An Organic Law is passed with an absolute majority in both parliamentary houses meaning that half of the members plus one voted for it. Other types of laws in Spain are passed with an affirmative vote from only the members present during the voting process. The academic respondent also stated that the competencies included in the Statute of Guernica that were not transferred include: employment training, industry, investment, and universities. They cannot be managed within the Basque Country unless there is a legal decree (*decreto*) or regulation (*reglamento*) that enables them to be transferred. There are certain competencies outlined in the Statute of Guernica, which were never transferred to the Basque Country from the central state. The reason for them not being transferred could be attributed to a lack of willingness due to disagreement on how or when they are to be transferred, or conversely, the fact that in Spain, there is no constitutional tribunal to test laws and to ensure the actual transfer of competencies from the Statute of Guernica. As a result, twenty per cent of the competencies were actually transferred. However, it is important to acknowledge that the transfer of competencies is a Spanish issue and not an EU one. In this respect, the issue of Basque representation in the EU has to be resolved within Spain rather than the EU, which is a fact that several interviewees, including a Basque parliamentarian and a Basque Government representative stressed.⁹ In addition, since the enactment of the autonomy statutes, numerous political issues have arisen and new competencies have become issues due to governmental and institutional changes. In fact, Zapatero's Socialist government argued that many political and institutional changes have occurred since the statutes were passed in the 1970s and early 1980s, most importantly Spain's entry into the European Community in 1986.

Social security is an example of a competency area that the central state agreed to transfer to Euskadi through the Statute of Guernica, but has only been partially transferred. The Spanish central state has made laws in other policy areas that were to have been transferred to the Basque Country. Euskadi assumed new competencies in professional training, but it is still awaiting the transfer of employment policy. Port control is an example of another central state competency pending transfer. The Basque Country does have its own railway system, which contributes to its salience as an issue in the Basque Country. As a respondent from the Basque Government's

⁹ Interviews: Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006; Basque Government - PNV External Affairs, 2006

EU affairs argues, through the Treaty of Maastricht (TEU) and the Treaty of Amsterdam, the central state has been taking decisions that were not originally under its jurisdiction (competency). For instance, the central state circumvented Basque fiscal legislation in order to legislate on related areas (Interview, Basque Government - EU Affairs, Bilbao, 2006). EU policy must include the position of twenty-seven member states, hence, it is normal that central states - and not the EU - have to make decisions at local levels.

There are approximately thirty competencies pending transfer. The next paragraphs discuss these policy areas in both the literature, and the public debate. A respondent from the University of the Basque Country's department of law (Interview, University of the Basque Country, San Sebastian, 2007) stated that there are around thirty competencies embodied in the Statute of Guernica, emphasising: laws regarding prison facilities, workers rights. Regarding prisons, the Basque Country has a new model and constructs its own prisons. Caño (2007:123) identifies thirty-two competencies pending transfer: 1) unemployment payments, 2) active policies in professional training and employment regulation, 3) national institute of social security, 4) social institute of the sea, 5) economic regulation of social security, 6) research centres for technical assistance, security and hygiene in the workplace, 7) workplace inspections, 8) salary guarantee fund, 9) meteorology (infrastructure), 10) motorways (infrastructure), 11) airports, 12) port infrastructure, 13) infrastructure, maritime and inland transport, 14) CEDEX (Research and Experimentation Centre for Public Works), 15) railway infrastructures, 16) banking and credit, 17) official credit, 18) insurance, 19) stock market, 20) state public sector, 21) hydrocarbons, 22) scientific and technical research, 23) issuance of transport permits, 24) private security services, 25) municipal elections, 26) correctional facilities, 27) filing of state licences and titles, 28) cinematography protection fund, 29) tourism, 30) fisheries and maritime cultivation, 31) fisheries inspection, 32) agricultural insurance. The previous competencies will be reconsidered in chapter five for their relation with Basque activism at the EU-level.

In 2002, the newspaper *El Mundo* reported that the Basque Government demanded the transfer of thirty-seven competencies that were reclaimed in the Statute of Guernica, yet were never transferred. However, the Ministry of Public Administration only recognised seven of them to which transfer is pending. They are: 1) employment, 2) penitentiaries, 3) maritime transport, 4) motorway transport, 5) management of state property records, 6) Mariners' Social Institute (*Instituto Social de la Marina*), and, 7) workplace inspection. Other important competencies that the Basque Government insists it is entitled to are: the economic regimen of social security,

airports, railways, vehicle licensing, and municipal election organisation among others (El Mundo 2002).

The most contested competencies between Euskadi and the Spanish central state concern: taxation, fisheries, funds for employment training, and urban planning and construction. All these areas with the exception of fisheries are of economic value. Another issue that has proved a constant source of conflict or justification for central state gatekeeping at the EU-level concerns the fact that the Spanish central state has exclusive competency on international relations, and this creates ambiguity as regards EU relations. In principle, EU relations are not 'international' according to a law lecturer at the University of the Basque Country (Interview, University of the Basque Country, San Sebastian, 2007). Murillo de la Cueva (2000: 35) asserts that the participation of the Autonomous Communities in the EU, when there is an impact on their competencies, is a matter of strict internal control in Spain because the central state can claim that EU relations are a matter of 'international relations', and thus, they are expressly reserved to the central government through article 149.1.3 of the Spanish Constitution. Murillo de la Cueva highlights the necessity of creating horizontal mechanisms between the central state and the Autonomous Communities to resolve this representational deficiency (Murillo de la Cueva 2000: 35). Horizontal mechanisms do exist, but it appears that there are internal coordination issues amongst the Autonomous Communities whereby they have difficulties in arriving at consensual agreements and pass them on to the central state. Thus, Spain is a system in which most Autonomous Communities want special treatment and are not prepared to make concessions to the others, which is a plausible reason why all Autonomous Communities have regional offices in Brussels and are all attempting to represent their interests separately at the EU level. The interviewee from the Basque Government gives a nationalist conception regarding the special treatment of certain regions over others, primarily basing his argument in competencies such as taxation.

I don't believe that the regions are equal, which is to say that for example, in the Spanish state, Extremadura has never asked for Autonomy, it didn't want it. So within Spain, and above all the central government took advantage of the Basque Country Spain is asymmetrical it is not symmetrical like Germany or the USA. I believe that we have - the Basques, the Catalans, Gallegos, and those that have a political will as a pueblo - the right to participate in determined European issues, which fall under our competencies. We have competency in taxation policy, we have to act alongside the Spanish Minister for these issues, but there are things that Spain defends, but they do not consult us... We don't feel that the Spanish government represents our competencies in taxation. Euskadi is industrial. Spain, well, Extremadura, Galicia, is rural and many times we don't feel represented so in the short term we want a presence because the EU is regulating fiscal (tax) policy. We've to have a bilateral relation to clearly describe the situation in industrial and energy issues, which are fundamentally discussed at the EU-level. Spain

brings its own policy before we arrive. We've to discuss to at least determine a consensual political question. The Basque Country or Catalonia is the same as Andalucia and now we're all equal as people, yes, we've the same collective rights. We've a different language, we've our own police, our own tradition, a language, a language that was going to die, we had to save and restore it, and our own power, thus, was the big battle that we had with Madrid (Interview, Basque Government - PNV External Affairs, 2006)

The respondent clearly downplays the role of the other Autonomous Communities, stating that Euskadi is industrial and disregards Galicia as a rural zone. He argued that the central state must defend the special interests of the Basque Country before the EU because it has unique competencies. He signals equality, but only in terms of human rights. It is noteworthy that he highlights the language issues, which is a concern of most PNV representatives. He also offers a lukewarm perspective with regards to representational opportunities offered by the central state in terms of taxation and industrial interests. It seems that the Spanish central state is reluctant to give the Basque Country the ability to access EU policy in these areas.

Another representative from the Basque Parliament from Ezker Batua-Berdeak asserted that the most important competencies and those where there is a power struggle with the central state are: social security taxes, unemployment, and labour laws. These are pertinent policy areas because the Basque Country is fighting to diminish labour accidents, but it is difficult to coordinate action because the central state has not transferred these employment related competencies as was originally agreed in the Statute of Guernica (Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 24 October 2006). The Statute of Guernica assigns the Basque Country competency in employment, the management of social security, which the central Spanish state agreed to transfer to Euskadi. The interviewee from the Basque Parliament in charge of EU affairs explains that the Statute of Guernica is out of date, incomplete, and did not contemplate the existence of the EU.

Today, the transfer of competencies from the Statute of Guernica is not complete. There are many important competencies, such as that of penitentiaries, which are competences of the Basque Autonomous Community, but the central state has not transferred these, like for example, social security and its provisions are part of the Statute of Guernica's competencies, and nevertheless, they have never been transferred to the Basque Autonomous Community... I believe that a statute that is 25 years old and in 25 years everything has changed. Europe has changed... the Statute of Guernica doesn't even contemplate Spain in the EU (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006).

In consideration of the interviewee's statement and the competencies mentioned therein, it is noteworthy that her views seem to support two hypotheses that will be explored later in the dissertation. Firstly, the central state is progressively giving more competencies to the Basque

Country, and secondly, party coalitions could prove a useful means to influence policy. In May 2009, Patxi Lopez, the newly elected Socialist Lehendakari opened the process to transfer several competencies, including employment, professional training, research, and penitentiaries with the central state. Employment is extremely important due to its impact on the economy and given that Euskadi is the only Autonomous Community that has not had it transferred from the central state (El País 2009). As aforementioned, economic interests may prove to be a principal motivation for the Basque Country to gain influence at the EU level.

Supporting the assertion on the Basque Country's activism in economic issues, the Basque parliamentary interviewee for EU affairs illustrated that in taxation, the Basque Government should go straight to the EU not through Madrid, or at least the central state should facilitate relations between Euskadi and the EU since it falls within their competency (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). The respondent also reinforced the notion that the Basque Country is the most powerful region in the EU, outlining the following points. It has *hacienda única* meaning that its treasury and power to tax do not depend on the Spanish central state. Thus, it represents part of European fiscal policies in the EU single market. One controversy according to the Basque Parliament interviewee is that the EU imposes some degree of control over tax revenues to finance the institutions, and Spain does not take on the Basque Country's position on taxation. An interviewee from the president's cabinet of the Basque Parliament in charge of EU affairs stated:

The Basque Ministry of the Economy (*Hacienda*) does not depend on the Spanish Ministry of the Economy. The Basque Treasury represents part of European fiscal policies, in the European single market, which is where we all function. The Basque Country has competence in social Security policy, which is in our Autonomy Statute. Three areas that define a state are an army, taxation, and education. Thus [the Basque Country has competence] in the most important policy areas of Europe (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006)

The respondent reveals the large degree of competencies held by the Basque Country and their salience with regards to EU policy. Although it is the member states that collect taxes, the Commission ensures that they are responsible for making the respective amounts collected available to the Commission. The member states must also implement EU customs legislation and corresponding financial controls to ensure compliance with EU budget regulations, which are in place in part to regulate competition rules. Additionally, taxes such as value added tax are based on member state's calculations, which are verified by the Commission (European Commission 2009b). Taxes are checked by the Commission at the member state level, thus, the Spanish central state is responsible to ensure compliance of its territories, not the Commission. The Commission only evaluates compliance based on the whole member state. A different case

is compliance with the structural and cohesion funds and Interreg programmes, which are funded by the EU for projects between two or more regions. However, even in these DG Regional Policy Interreg programmes, the central state is ultimately left with the responsibility in the case of non-compliance or sanctions (Interview, European Commission - DG Regional Policy, Brussels, 2008). The respondent reveals that the Commission still depends on the member state to self-evaluate compliance with directives.

The Basque Country also has competence in social security and health, which is in the Statute of Guernica. The two issues are notable due to the fact that the Basque Country has its own public healthcare service (*Osakidetza*) and expertise therein and public health is also part of EU policy competence. In addition, the Spanish central state has its own competencies, thus, there are several levels of competencies and interests at stake. Fisheries policy is an important issue because it is an economic, strategic, traditional sector, and one that is embodied in the Statute of Guernica as an exclusive Basque competence. There were some controversial issues related to fishing quotas in the Bay of Biscay, which implicates the Basque and Spanish Government and the EU because the Commission regulates fisheries, which encapsulates diverse member state interests. The issue will be highlighted in chapter five. The Basque Country also has a university educational system like Flanders (Belgium). There are polemical issues within Spain concerning Euskera and class curriculums therein, and the Law of Universities (2001) (*Ley de Universidades*) was controversial in this respect. The respondent from the Basque Parliament emphasised that the mentioned policy areas are amongst the most salient in the EU (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006).

According to an interviewee from the Basque Government, agriculture and fisheries represent two important competencies that the Basque Country does not have control over, and which are highly regulated at the EU level. The central state is the only representative at the EU level and this needs to be dealt with to give the Basque Country a representational channel within Spain (Interview, Basque Government - PNV External Affairs, 27 July 2006). The respondent's comments reflect his nationalist standpoint as a member of the PNV. Alternative viewpoints that are more central state orientated claimed that it would be difficult for the central state to represent the interests of all the Autonomous Communities and establish a fisheries policy that reflects each one of their particular needs, and furthermore, it is even more challenging to create a common EU policy that includes the interests of every European enclave.

The respondent's comments reveal the diverse levels of competencies and the fact that competencies that were once exclusive central state or Basque competencies have progressively passed on to the EU level.

Spain entered the EU in 1986, and some of its competencies passed on to be the exclusive competencies of the EU, namely those in agriculture and fisheries, but now we don't have control over these competencies and the central Spanish state took them back from our Autonomous Community, and this needs to be dealt with, especially with agriculture and fisheries (Interview, Basque Government - PNV External Affairs, 2006).

The interviewee's comments reveal a conception of the EU, as primarily member state focused. It is true that member states are highly responsible for decisions; nevertheless, the dissertation argues that RLCs such as the Basque Country are able to have an impact on EU policy through informal means, especially in the policy areas where they have expertise or competency. Thus, chapter five will concentrate on the aforementioned policy areas and those explored in the following section that were included in the Ibarretxe Plan, which reclaims several policy areas. It is interesting that the respondent pinpoints agriculture and fisheries because they represent two policy areas where the EU has competency to make policy.

VI. Ibarretxe Plan

After having outlined the controversial policy areas and competencies, the next paragraphs discuss the Ibarretxe Plan because it was an attempt to reform the Basque Statute of Autonomy and it proposes a new cooperative relation between the Basque Country and the central state, as well as addressing policy areas previously discussed. As a law lecturer from the University of the Basque Country pointed out, some of the competencies of the Statute of Guernica (that were not transferred) are embodied in the Ibarretxe Plan, yet the Senate did not ratify it (Interview, University of the Basque Country, San Sebastian, 2007). The respondent from the Delegation of Euskadi described the Ibarretxe Plan as a proposal orientated to open dialogue within the context of compromise between independentists and non-independentists (Interview, Delegation of Euskadi, Brussels, 2005). The PNV European parliamentarian asserted that the support of the nationalist extremists groups may have had an impact on it not being passed in the Spanish parliament (*Cortes generales*) (Interview, European Parliament - PNV, Brussels, 2007). Alternatively, both the PSOE and PP European parliamentarians - Rosa Díez and Agustín Díaz de Mera respectively - stated that the Plan runs contrary to EU seeking the integration of member states and the equality of rights amongst citizens (Europa Press 2005). Concretely, it raises important issues regarding EU citizenship, which according to the Treaty of Maastricht (1992) is supplementary to national state citizenship and not a substitution, while the Plan's conception of

citizenship is discriminatory (Europa Press 2005). Even the representative from the Delegation of Euskadi raised the issues of it creating what she called legal loopholes.

The interviewee from the Delegation of Euskadi brought to light some interesting points regarding legal problems within the Plan with various questions that the Plan does not provide concrete answers for. For example, she poses the following doubts:

- Would a 'Basque' university degree be valid in other parts of Spain or in the EU?
- Would there be a border?
- Who is considered Basque and who would not be in terms of citizenship? For instance, there are many people living in the Basque Country who may have originally come from other parts of Spain or other places and how do you determine who is Basque?

there are legal loopholes for example with the aspect of citizenship and the Plan asserts that a Basque citizen can choose to have the Basque nationality and / or a Spanish one, but this doesn't suppose more rights or liberties. The rights or liberties are the same that we have now. The idea of having a separate Basque nationality or citizenship can lead to discrimination... For instance, let's imagine entering into a university and they inform me that I cannot enter because I must attend a university in the Basque Country because it is paid for with revenues from there. Another relevant question is "Who is Basque?"... Me, for example, I've been living outside of Spain for ten years and my daughter... Is she Basque or not? To me it seems that she's Basque, but... So, there are many legal loopholes... Also, the Ibarretxe Plan does not provide clear answers to concrete situations, for example, would there be a border with the Spanish central state... Would one have to pay a tax to enter, for example, in terms of transportation of goods, or the establishment of businesses... Therefore, Basque business is also reluctant and scared (Interview, Delegation of Euskadi, Brussels, 2005).

Although the interviewee was a Basque civil servant, she still implies that it is not a solid proposal for a new autonomy statute for the Basque Country in that it does not correspond with EU governance. She also reveals its ramifications for business interests, which is an economical concern.

The Basque Government interviewee for EU issues explained that the Plan was passed by a majority vote in its current state, but not all political parties participated in the vote. There were three votes from the political parties that have a majority in the government - including the United Left (*Izquierda unida*) - and half of the votes were from the radical left political parties. It was to go before the plenary in Madrid, but was not passed (Interview, Basque Government - EU Affairs, Bilbao, 2006). A Spanish European parliamentarian who represented the Popular Party, which is a centre right party the favours the centrality of the central state, revealed a different conception of the Ibarretxe Plan stating that its objective is self-determination and independence

for the Basque Country. It is anti-EU because the EU is working towards union not towards division and tension.

I think that the Ibarretxe Plan has an objective and it can't deceive us. It grew and manifested itself with the controversies surrounding the Ibarretxe Plan because it had so many objectives, the question of self-determination, Basque independence, among other objectives, and they speak about the right to decide. The Basques are independently saying that it's independence because those that want it are the same who want independence. They know that the Spanish Constitution (1978) doesn't offer any type of referendum. Here in the European Parliament they're saying that it's an anti-EU plan, and why is this...? Because in this sense the EU moves towards a union, not towards division, not towards tension (Interview, European Parliament - PP, Brussels, 2007)

The Popular Party MEP opposes the Plan for what he interprets as its disintegrative elements for both the EU and Spain. Although it may not be so radical to promote independence for the Basque Country, as the respondent asserts, it does suggest a voluntary associative relationship with Spain as the MEP from the PNV suggests. It is also about the reform of the Spanish Constitution because the Plan favours the establishment of an associative relationship between Euskadi and Spain. In general, it is a statute of regulations between the Basque Country and the Spanish Kingdom (Interview, European Parliament - PNV, Brussels, 2007)

According to EU affairs respondent from the Basque Parliament, the Popular Party did not want to transfer a variety of competencies. This interviewee also argued that the articles or competencies in the new statute proposal, Ibarretxe Plan, are more wide reaching than the Statute of Guernica. The Ibarretxe plan changes the structure and no longer leaves the central state the initiative to transfer competencies and includes recognition in the EU policy and decision-making process (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Thus, in effect, the Plan would give the Basque Country novel unchecked powers, which may be why the central state overtly rejects it because it makes them lose their ability to lock-in the Basque Country into a controlled institutional structure where they may have wide-ranging powers granted to them, but via the central state, as explained in the previously mentioned hypothesis.

VII. Formal Representational Channels: Sectoral Conferences, Horizontal Cooperation, & Reper

The ensuing section will identify the central state's formal mechanisms to represent the Basque Country in these areas. In principle, the creation of the Sectorial Conferences – first established in 1983 – had the intention of coordinating central and regional issues, but it did not function as

the Autonomous Communities had originally envisaged. Cascajo Castro stresses the lack of horizontal coordination between the Autonomous Communities (Cascajo Castro 1997: 81-88). The Sectorial Conferences consist of meetings guided with the mediation of the central government, thus, they are a medium for negotiations in the formulation of the Spanish delegation's political position before the EU (Murillo de la Cueva 2000: 75-76). The Sectorial Conference for Issues Related to the European Community (Carce) was created on 29th October 1992 with the goal of facilitating the representation of the Autonomous Communities through the EU, and in 1997, Law (Ley 2/1997) became Carce's legal regulation. Nevertheless, as Murillo de la Cueva illustrates, it met Popular Party (1996-2004) opposition due to their unwillingness to provide effective representation for the Autonomous Communities. Other than Carce, the central state has not overtly facilitated the Autonomous Communities' direct participation in the EU decision-making bodies, i.e. the final negotiation of the Spanish position to the EU. However they can gain access to the negotiation of a "Spanish" position through the *consejero autonómico*, in which case one Autonomous Community minister represents all the Autonomous Communities.

The Accord of Internal Participation of the Autonomous Communities in the European Community Issues (1994) was an effort to define the policy areas of the distinctive Sectorial Conferences. To demonstrate its protest at the lack of horizontal coordination in Carce, the Basque Country refused to sign the accord at the Sectorial Conference on 30 November 1994. Cascajo Castro states that the Basque protest opened the way to the creation of a bilateral commission for cooperation regarding issues related to the EU (Cascajo Castro 1997: 83). The commission was exclusively focused on issues that affect Euskadi. Therefore, it demonstrated a disproportional emphasis on the Basque Country concerning horizontal collaboration. In effect, the actual process maintains the asymmetrical relationship between certain Autonomous Communities, the Basque Country in this case, and the central state in given issues affecting their competencies, which will be further explored in the following paragraphs.

Razquin Lizarraga argued that the Sectorial Conferences have an informative character that do not have any actual impact on decision-making. They require unitary action amongst the Autonomous Communities defined by the central state, and for them to be truly effective they must further enable both bilateral and multilateral cooperation (Lizarraga Razquin 1997: 131-132). Therefore, in an effort to represent the Autonomous Communities in the EU through a formal channel, the central state established the Council for Autonomous Issues in the Spanish Permanent representation in Brussels. Royal Decree 2105/1996 created this representative organ

to provide the regions with a greater role and include their perspectives in the central state position to the Council of Ministers.

Sectorial Conferences are an ineffective means of facilitating central state and autonomous community cooperation to agree a common position to present to the EU. The Spanish Ministry for Public Administration defines Sectorial Conferences as multilateral (i.e. they involve both central state and regional levels) and voluntary cooperation organs whose activity concerns a sector of public activity. They consist of the respective minister, and all Autonomous Community ministers that are also related to the policy area, and the agreements are usually only binding on their signatures. The conferences are loosely regulated by Law 30/1992 (section 5), which requires them to be convened by the respective minister both of the central state and of the Autonomous Communities. Currently, there are thirty-two conferences, twenty-seven of which are proactively operating. Since 2001, they have averaged sixty to seventy-five meetings a year. During the 2004-2007 period the primary subjects concerned Autonomous Community powers (Ministry of Public Administration 2008). Recently, seven additional conferences have been created: a) Local Administration, b) Science and Technology, c) Telecommunications and the Information Society, d) the Territorial Council for the System for Independence and Dependency Care, e) the General Conference on University Policy (replacing the Coordination Commission of the University Coordination Council), f) the Immigration Conference, g) and the Water Conference. The final two mentioned conferences are in their formation and development process (Ministry of Public Administrations 2008). It is noteworthy that the competencies correspond with some of the controversial areas which were explored in the previous sections.

Although the Sectorial Conferences are institutional frameworks for Autonomous Community-central state cooperation, they are not an effective form of political representation for the Autonomous Communities in the EU through the central state apparatus. Direct EU representation in the Council of Ministers is regulated by the central state in Madrid. The Länder, for instance, or the Belgian regions, are represented in the Council if their competencies are affected. Nonetheless, Autonomous Communities representation in the Council has come into the limelight under Zapatero and the Socialists, a cooperation that was lacking during the years of Aznar and the Popular Party, which could be attributed to the Socialist reliance on nationalist or regionalist support. In fact, since recent reforms through the Ministry of Public Administration, one Autonomous Community representative may act as *consejero* along with the Spanish minister representing his / her governmental department and all the Autonomous

Communities in the Council meetings, which will be further discussed later in the following section.

Juntas de Cooperación or bilateral commissions have the functional purpose of resolving competency conflicts amongst the Autonomous Communities and the central state. However, neither the Sectorial Conferences nor the *Juntas* have decision-making powers. The Autonomous Communities can prepare *convenios*, or intergovernmental agreements, but there is still a vertical power check on them whereby the central state forms the final position and is not obliged to get their final approval. Article 94.1a of the Spanish Constitution regulates the meetings of the *convenios*, which require the previous consultation of the legislative chambers (*cortes generales*) in cases that: may affect the integrity of the Spanish state, and those that suppose the modification or repeal of laws or legislative measures for its execution (Article 94.1.e). The constitutional article gives the central state the possibility of a gatekeeping role, and a vertical control mechanism to stop Autonomous Community cooperation. The subjective and broad constitutional provision that allow the legislative chambers to intervene in the *convenios*, in essence, gives the legislative chambers power to regulate the impact of Autonomous Communities' actual meetings. The Spanish Constitution further limits collaboration between the Autonomous Communities. The ambiguity of article 145 is an example. Article 145.1 states the federation of the Autonomous Communities is expressly prohibited, meanwhile article 145.2 outlines that the Autonomous Communities can hold meetings amongst themselves, but they need the authorisation of the central state legislature branch.

Cascajo Castro highlights the necessity to give a regular *status* to a horizontal institutional mechanism for the Autonomous Communities to follow EU policy (Cascajo Castro 1997: 82). Zarraluqui Ortigosa explains that, for the Autonomous Communities to have actual influence, there needs to be collaboration between them. In addition, effective cooperation formulas need to be established in order to define their opinions and positions, with those of the central Spanish government, in a constructive way before the EU. These collaborative features between central EU member states and their respective territories are present in other member states, such as Germany (Zarraluqui Ortigosa 1997: 142). The absence of horizontal collaboration between the Autonomous Communities is combined with an inequality of competencies between the historic regions (*regiones históricas*) and the central state, which is not the case in symmetrically structured federal states like Germany.

The Autonomous Communities can establish their position through the Sectorial Conferences. Nevertheless, if a representative from the Spanish delegation presents the common position of Spain as negotiable, there can be other consequences. During the negotiation process, the Spanish representative can bypass the Autonomous Community position and maintain its previous position (before Autonomous Community interjection) in EU negotiations. Thus, if a member of the Spanish Reper needs to negotiate the Spanish position, there is not always an Autonomous Community representative to even ensure that the minister presents the negotiated decision (Cortes Generales 2004: 27). The Autonomous Communities have therefore proposed the participation of their representatives in the Spanish delegations that take part in certain meetings in Brussels – Council working groups – and those that correspond with issues related to Autonomous Community competencies (Cortes Generales 2004: 4). They also want access to information to be able to participate in the Spanish delegation and negotiate with them (Cortes Generales 2004: 4).

The following paragraphs discuss the deficiencies and the evolution of the development of formal channels whereby the Autonomous Community can influence EU policy and decision-making through the central state. The previous parts of this chapter have proven that some Autonomous Communities have special exclusive competencies, thus, the dissertation hypothesises that they are seeking representation in EU decision-making in these areas. The Basque Parliamentary representative claims that the central state and / or the EU will never allow this, at least in a direct way (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). However, there is contradictory evidence from a central state interviewee.

The central state official from Reper outlined the manners that the central state facilitates Autonomous Community representation. The interviewee explained that the Spanish permanent representation attends to the requests of the Autonomous Communities, and clarified her role in bringing the views of the Autonomous Communities to the EU concerning issues that affect them. Thus, the respondent presented a formal representational avenue that the Autonomous Communities rely on to approach the EU policy and decision-making process.

We listen to whatever policy areas that concern the Autonomous Communities, even if that policy area is not within their “open councils (*consejos abiertos*) (3500i). This is a mechanism is an example of us playing the role as a catalyst (3520), thus, taking policy areas that affect or concern the Autonomous Communities and bring that concern to the EU because there are many policy areas in the EU that effect the Autonomous Communities and they do not have a direct say. It is us who has to make the decisions here, thus, that is why we call ourselves a catalyst here to spread information (3618) to the Autonomous Communities and guide their interests in the EU [Coreper] [...to] help them and explain to them how things work here in Brussels and give them the

responsibility because it is them who have to act [...] We show them how they can enter into working groups and have some influence (3730) [...] Political entities need to focus their interests on the Commission... You need to know where the proposals are exactly, in whose hands, and where is it going next. It is important to know to be able to add your opinion or perspective, and of course, it is impossible to add perspectives to all proposals... This is way a major deficiency exists because many political entities do not have the information of what and where the proposals are at specific moments (Interview, Spanish Permanent Representation, Brussels, 2008).

The Reper respondent made the interesting point that information dissemination on how to affect the EU policy process is an essential element of influence. Therefore, in the above citation, the interviewee reveals the complexity of the EU policy-making arena, which diminishes when a policy actor knows exactly how to approach it. The official divulges the importance of providing the Autonomous Communities with the responsibility and information to lobby the institutions, so they can act independently to influence and take part in EU policymaking (Interview, Spanish Permanent Representation, Brussels, 2008). The respondent's comments appear to support the view that the central state is providing the Autonomous Communities with the tools to directly lobby the EU. We must note that the interviewee's comments demonstrate that regional goals may be achieved both through informal lobbying, and on the basis of a certain degree of formal relations through Reper.

Therefore, reconsidering the lock-in hypothesis, there is some evidence, that the central state and the EU are locking in certain powerful RLCs into a relationship that makes them an integral part of the EU decision-making process, which is in fact a manner to control the action of the RLCs by giving them a formal channel to the policy process. The thesis asserts that the Spanish central state, above all, creates these formal channels to lock-in the Basque Country to avoid the worst possible options, which would be Euskadi seeking a wholly independent status within the EU or seeking solely informal channels whereby it can completely circumvent the central state. It will be difficult to prove this assertion, but if the hypothesis is plausible there will be observable formal channels, a greater impulse from the central state to promote RLC interaction, and an increasing inclination in the EU to involve regions. In addition, to further support the hypothesis there are recognisable formal channels that RLCs pursue. However, if the hypothesis is true, it does not necessarily mean that RLCs will abandon informal avenues because they may be wanting to maximise their chances to influence policy through every possible means. Euskadi does seek informal channels and is successful in influencing the EU policy and decision-making through the informal channels explored in chapter five, but there is also a large degree of decisions that are exclusively made at the central-state level.

An interviewee representing the central state posture as an official of the Spanish permanent representation in Brussels explained that, in general, Spain does not have the internal mechanism to react to seventeen different Autonomous Community positions, which is a weakness in that they do not have the capacity to negotiate and be represented in Brussels. Nevertheless, the Spanish Ministry of Public Administration agreed a few years ago to enable the Autonomous Communities to go to Reper to present their interests. The respondent illustrated the deficiency of the central state to provide effective forms of representation for the regions. Again, the respondent focuses on the necessity to facilitate dialogue and negotiation in an open EU system in which various actors participate.

This has been an error by the central government, there has to be a mechanism so that they do not feel outside of the system. If you conserve the system of negotiation in Europe you have to create the mechanisms to deal with it because the Spanish internal system, at the moment, cannot react to seventeen different Autonomous Community positions. There was an agreement a few years ago to enable the Autonomous Communities to come to Brussels present their interests. Nevertheless, it is a weakness of the system that the Autonomous Communities do not have the capacity to be able to negotiate and be represented here in Brussels. A position that includes the perspective of seventeen is wide-ranging and necessary, but obviously difficult, especially when there are not the mechanisms to deal with this, i.e. there is only this one Reper office where you are sitting. Coordination is the difficult part and someone has to make the decision. Spain needs to learn from example [...] Germany at the moment is in a process where every *Länder* is represented through the German state where there are precisely these representational mechanisms (Interview, Spanish Permanent Representation, Brussels, 2008).

The Reper interviewee stated that her job required full cooperation amongst the Autonomous Communities. The central state signed an agreement, the Agreement of Internal Participation [*Acuerdo de Participación Interna* (API)] in 1994 with the Autonomous Communities, whereby they could participate in the EU but only within the national framework, which the Basque Government representative claims does not include direct participation in Brussels (Interview, Basque Government - EU Affairs, Bilbao, 2006). However, the Basque Government did sign the agreement of 2004, the Agreement of Direct Participation (*Acuerdo de Participación Directa*). An interviewee from the Basque Government contrasted the power of Belgian regions with that of Spanish ones stating that the Autonomous Communities have a political character but it is not judicially defendable, which contrasts with Belgium. In Belgium, there are laws that govern the regions and give them constitutional power, and thus, the regions have an institutional nature within the central state (Interview, Basque Government - EU Affairs, Bilbao, 2006). A Spanish statist perspective would argue that the Autonomous Communities have wide ranging powers and the ability to defend their interests in the EU through the *consejero autonómico* and the sectorial conferences reflect a mechanism to create a common position amongst the Autonomous

Communities. The Basque Government official in charge of EU affairs did state that the Sectoral Conference for Autonomous Community Issues, *Conferencia para Asuntos Relacionados con las Comunidades Autónomas*, (Carce) agreements, like that of 9 December 2004, created four ministers in different policy areas, which have the institutional capacity to react to EU policies (Interview, Basque Government - EU Affairs, Bilbao, 2006). Herein, the respondent is directly referring to the measures to create the *consejero autonómico* mechanism to react to EU policy and decision-making in the Council of Ministers (Reper).

A Europarlamentarian representing the Popular Party focused on the wide range of competencies already enjoyed by the Basque Government. He stated that the Basque Country has more self government than any other region in the EU and compares it with other regions.

The Basque Country is an Autonomous Community with more self-government in all of Europe... And the Länder, Dutch regions, or Nordic ones, would like to have the self-government that the Basque Country has... There we've our own taxation laws, our own television, we have, we have, we have. According to a report in the *Economist*, from about three or four years ago, Northern Ireland would have 10% of the self-government that the Basque Country enjoys in the current UK devolution process. The Basque Country has an unimaginable level of self-government for many people... Including much more self-government (*autogobierno*) than the USA individual states. Look at the German Länder, each defending their, the issues in the EU, right...? A representative doesn't come here from Bavaria, or Nordrhein-Westfalen, they are speaking in the name of Germany although they may be from Bavaria or Nordrhein-Westfalen, and if they tell me that it's not a Basque Government that speaks in the name of Spain, then there's no problem, but the nationalists aren't going to represent Spain. I don't have any problem that when it comes to the mix [rotation] of Spain that a *consejero* from the Basque Government goes or Catalonia, or Murcia or Andalusia – this seems phenomenal to be because I deal with here in the European Parliament, the Spanish institutions in the EU... The Coreper, the representative of the nation that comes to defend the interests of Spain doesn't come here to 'stick a spanner in the works' of Spain... If Fisheries in the Basque Country, or anchovy capture, which we have as an issue, and then there's the politics of each Autonomous Community that comes to defend its interests. For example, we attend to in the issue of anchovy fishing... The Basque Government and the central state government are dealing badly with this, the two of them for political issues, I think that they had to bang their fist on the table to defend the Basque and Spanish interest before France (Interview, European Parliament - PP, Brussels, 2007)

The interviewee observed the already high level of Basque competencies compared to other RLCs and the difficulty of the central state to present the interests of all the Autonomous Communities. It is a complicated issue because if the central state attempts to include all the interests of the regions and the nationalists, it may inhibit the EU policy and decision-making system with the flood of interests at stake. The Popular Party MEP's comments reveal the other side of story, contrary to the Basque nationalists' conceptions of their lack of competencies. The interviewee clarified the fact that he was obliged to represent the central state through the

European Parliament, but also, signalled the need of the central state to acknowledge Basque interests vis-à-vis other member states such as France.

Jordi Sevilla, the former Minister of Public Administrations, and the Autonomous Communities reached several accords regarding the problems with territorial representation in the Senate and the lack of horizontal cooperation between the Autonomous Communities. The discussions concerned both the deficiencies in the current system and recent advances to the manner in which the Autonomous Communities can represent their interest before the EU. Some of the most important topics contemplated were: a) the necessity to redefine the role of the Autonomous Communities in the central government, b) the fact that the Autonomous Communities should not be subordinated in a vertical form to the central government, rather, the central government should facilitate horizontal relationships between it and the Autonomous Communities (Cortes Generales 2004). For example, Jordi Sevilla advocated bilateral commissions between the central government and the Autonomous Communities, the establishment of a conference of Autonomous Community presidents and the central state, and specific forms of participation between the Autonomous Communities and the EU (Cortes Generales 2004: 39).

Most notably, Sevilla - providing a central state outlook on the situation - noted the absence of a system to adequately coordinate the relations of territorial self-government that exist in Spain (Cortes Generales 2004: 26). Furthermore, the aforementioned conference affirmed the need for a constitutional reform to transform the Senate because Spain is not comprised of one nation, but rather various historic nations with territorial differences, which is recognised in the Spanish Constitution. Hence, the differences should be dealt with in an appropriate manner through the creation of a house of territorial representation that facilitates consensus between the Spanish central state and the Autonomous Communities (Cortes Generales 2004: 37). The Constitution should explicitly recognise the Spanish territory as being comprised of seventeen Autonomous Communities and two autonomous cities in terms of representation (Ceuta and Melillia) (Cortes Generales 2004: 24-25)

VIII. Socialist Government Headway & Nationalist Support

After having discussed the Senate's composition and formal channels of territorial representation, the next paragraphs discuss recent reform efforts at the central state level, that demonstrate a greater formal role and visibility of the Autonomous Community, at both the

central state and EU levels. The Socialist government has put forth proposals to reform the Senate. Evidence from central state and regionalist interviewees and recent literature has demonstrated its deficient representation of the Autonomous Communities. One of its major weaknesses is its high level of difficulty to veto legislative bills / laws. The Senate does have the power to veto in specific areas, and may do so only with an absolute majority (agreement amongst half of all senators plus one) (Reglamento del Senado 1994: Título Cuarto, Capítulo Primero, Article 122), but the Congress of Deputies can easily override their veto. Therefore, the PSOE government proposed reforms to give the Autonomous Communities power to veto in defence of their specific competencies. According to *El País*, the central government expressed its will to offer the Autonomous Communities veto power when the central state considers that a legal standard compromises Autonomous Community competencies in the policy areas, including: culture, civil law, foral law, and language (El País 2004b). The areas of the proposed reform include most importantly economic matters in the Basque Country through *foral* law. In addition, language is a policy area regularly mentioned throughout the interviews, which makes it a policy area where the central state actively involves the Autonomous Communities. It also represents an area that the Autonomous Communities seek representation, which is later explored in chapter five.

The central state clearly refuted asymmetrical powers being distributed to certain Autonomous Communities through the reforms. The central government clarified that it did not want the right to veto to be a privilege of certain Autonomous Communities above others (El País 2004b). Therefore, the reform refuted the nationalist claims for special status and rights, but did implicitly propose a solution to present concentration of the Senate on political parties in favour of territorial groups that would be formed amongst senators from each Autonomous Community and the autonomous governments, which is contrary to the current system that favours political party interests (El País 2004b). The mentioned reform has the intention of converting the Senate into a house that is responsible for the first reading of laws with a territorial orientation. Thus, the process of initiating legal regulations would begin in the Senate instead of the Congress (El País 2004b).

Jordi Sevilla Segura was the minister of Public Administrations (2004-2007).¹⁰ He focused a large degree of attention on giving the Autonomous Communities veto power in the Senate to fortify their role in the central state legislature. Garcia Mexía cited the goal of his efforts as creating a better-united and more representative Spain (Garcia Mexía 2005). Sevilla emphasised

¹⁰ Elena Salgado Méndez is the current Minister of Public Administrations since 9 July 2007.

the German model in which the Länder do have a strong veto power (El País 2004b). Initially, in 1998, the PSOE and CiU raised the idea of a veto to the Autonomous Communities in issues where language was involved (Catalonia, Euskadi, and Galicia), but the Popular Party refused (El País 2004b). Perhaps they opposed due to the party's centralist views or possibly because they did not want to see a regionalist / nationalist backlash. They may have opposed it for fear of promoting further asymmetry in the name of nationalism, but generally the Popular Party have a history of supporting policies that solidify a larger central state role, rather than advocating policies that foster greater regional differences. However, as Heller pointed out, both the Socialists and Popular Party have made several concessions to the regionalist parties knowing that they could achieve their national objectives by acknowledging regionalist party goals (Heller 2002: 679).

A respondent from the Welsh regional office made some important comments on political parties cooperating when they share interests. He also related to issues in Spain and the greater level of regional interaction with the Socialist government.

the degree of cooperation that you get between the regions and the central government and in particular in the member states, is governed to a large extent by the physical [political party] alignment between the two so I guess where you have, if the central government is Republican and your state is Republican, you probably get a good cooperation between Washington and Kentucky. In the UK, we have a labour administration in Wales, you have a Labour administration in London, so you would expect, and you generally get a reasonable level of understanding between the two levels. If you look what has happened in Spain in the past five year at the very positive developments from the point of view of the regions in Spain over the past two or three years under the Zapatero administration, particularly for Catalonia, but not just for Catalonia, other regions as well have benefited from the developments, but I mean you have to be aware that the Socialist government in Madrid depends on part on the Catalans in their partial majority in the *Cortes generales* [legislative houses]. Then, I guess if you had a PP government in Madrid, I guess that they would bring the shutters down once again on the regions, which is very much a complication for the regions (Interview, Wales Regional Office, Brussels, 2007)

In the previous citation, the Welsh respondent reveals the importance of political party grouping being another informal avenue to gain influence. The respondent also described the affinity amongst regions that share political parties. It is resonant of the views expressed by a Basque European Parliamentarian from the Popular Party who mentioned a case where the central government and Valencia shared the same political coalition as Barroso (the president of the European Commission) and they were able to set up an informal meeting between the two political players. (Interview, European Parliament - PP, Brussels, 2007)

The progress concerning the inclusion of the Autonomous Communities in the EU Council of Ministers demonstrates that the central state has decentralised power to a certain degree, which can be attributed, as already said, to the central state making concessions to regionalist parties to better achieve their own goals. Several interviews, including those with the regional delegations of Catalonia and Euskadi in Brussels - and other Basque representatives - revealed that the Socialist government was more open towards the Autonomous Communities, compared to the period when the Popular Party had an absolute majority (2000-2004).¹¹ The Socialists have been more willing to compromise because they lacked a strong majority and required nationalist / regionalist support.

One respondent with a Basque regionalist perspective, a Basque Parliamentarian from Ezker Batua-Berdeak, commented that problems did not persist in such a negative form as during Aznar's presidency. There is also a more open dialogue with the Commission, rather than the conflict that was omnipresent during the period of Aznar and the Popular Party (Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006). In 2004, the Senate initiated reforms through the General Commission of the Autonomous Communities in the Senate to create a "*consejero autonómico*" to represent the Autonomous Communities in the Council of Ministers, which will be described in the ensuing section and further examined in chapter five according to policy specific instances.

IX. The Consejero Autonómico

The ensuing final section of this chapter will survey the recent course of the Basque Country's formal representation in EU institutions promoted by the Spanish central state. The section will discuss recent events that indicate that the Basque Country is gaining greater visibility and influence at the EU level through formal means, i.e. facilitated through the Spanish central state. Royal Decree 2105/1996 (20 September 1996) created an impetus for incorporating the Autonomous Communities' positions in the Spanish Permanent Representation to the EU (Reper) through the Guidance Council for Autonomous Issues (*Consejería para Asuntos Autonómicos*). Through this council the Reper articulated the first relations between the EU institutions and the Autonomous Communities (Murillo de la Cueva 2000: 78). Concerning the

¹¹ Interview, Delegation of Euskadi, Brussels, 2005; Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006; Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006; Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006; European Parliament - PNV, Brussels, 2007; University of the Basque Country, San Sebastian, 2007; Spanish Permanent Representation, Brussels, 2008

participation of the Autonomous Communities in the EU, there has been a substantial advance in their participation in the fifty committees of the European Commission (Cortes Generales 2004: 26).

The respondent from the Basque delegation office in Brussels emphasised that participation in the Council of Ministers is of principal importance. The representative identified the Council as the most important EU institution because, along with the Spanish state, it is the fundamental EU organ in terms of decision-making. It is necessary to be a sovereign state to participate in the Council. As for the Commission, it ought to consult regions, but this is also a dilemma because it has to be representative of all twenty-seven member states (Interview, Delegation of Euskadi, Brussels, 2005). The officer from the Basque delegation stated that the *consejero autonómico* is an interesting institutional addition that gives the Basque Country - along with the other Autonomous Communities - an opportunity to represent their interests at the EU-level. However, the respondent clarified that it should not be a substitute for existing representational avenues, such as the Commission.

I believe that it's the *consejero autonómico* is interesting because it can represent policy positions of the Autonomous Communities directly to the Spanish permanent representation through the Spanish government for EU representation. Nevertheless, there is the issue that one *consejero* or one person represents the position of all the Autonomous Communities. Thus, we don't want to lose our current ability of presenting our positions directly to the institutions. For example, a regional minister of health can speak directly with an EU official from health in the Commission... We don't want the *consejero* to be the only link with the EU institutions. We need a direct manner to reach the Commission between region and Commission... like lobby (Interview, Delegation of Euskadi, Brussels, 2005)

Thus, the official asserted that the Basque Country cannot disregard other forms of lobbying and influence and solely rely on the *consejero* because all representational forms are important. Therefore, the interviewee supported the hypothesis that the Basque Country is attempting to maximise its influence by relying on several representational channels. Several interviews provided a positive viewpoint towards the usefulness of the *consejero autonómico*. Since December of 2004, the *consejero* has had access to a wide source of information, including documents pertaining to recent EU legislation.¹²¹³

¹² Interviews: Spanish Permanent Representation, Brussels, 2008; Basque Government - EU Affairs, Bilbao, 2006; Interview, European Parliament - PNV, Brussels, 2007; Interview, European Parliament - PP, Brussels, 2007.

¹³ The Senate report by Sevilla Segura – Cortes Generales - Comisión General de las Comunidades Autónomas (2004) Comparecencia, a petición propia, del Ministro de Administraciones Públicas, Excmo. Sr. D. Jordi Sevilla Segura, para explicar las líneas generales de la política autonómica del Gobierno (Número de expediente 711/000001).La sesión fue celebrada el jueves, 3 de junio; disponible en: <http://www.senado.es/legis8/comyponen/index.html> Comisiones Permanentes Legislativas – Comisión General de las CCAA, p. 26 - See M.A. dissertation for link and reference

The Europarliamentarian from the PNV explained that there has recently been specialisation with the *consejero* rotating between the Autonomous Communities for six-month periods, which corresponds with the Basque Country in the Spanish permanent representation to the EU (Interview, European Parliament - PNV, Brussels, 2007). There is a *consejero* present during the meetings in Madrid, and they present the opinion of the Spanish central state to Reper and to Brussels. Nevertheless, the interviewee continued stating that it is not a specific representative for the Basque, but rather, a representative for all the Autonomous Communities because it is a rotating position (Interview, European Parliament - PNV, Brussels, 2007). The MEP's explicit recognition of the symmetrical role of the *consejero* appeared to be a critical evaluation. Contrary to his views, the Popular Party interviewee focused on the importance of ensuring an equal central state representation of all the Autonomous Communities.

The MEP official from the Popular Party responded to the question of whether Spain defends the interests of the Autonomous Communities in the EU by stating positively that it does, representing all the Autonomous Communities equally:

Yes, it has to defend their interests and their points of view, but what we don't want, is the Basque Government, or the government of Galicia, or Valencia, to make negotiations without the consent of the Spanish government, and I don't care if there's a Socialist government in Spain because at the end of the day, if you bring decisions to the EU in the name of the Basque Government, the Spanish government has to be involved because later in the Council, the person responsible for the government commissions goes there, the president of the government goes there, the minister of Spain, there isn't a Basque *consejero* because the EU is made like that (Interview, European Parliament - PP, Brussels, 2007).

The Popular Party interviewee made it clear that he would not support the Autonomous Communities representing themselves outside the control of the central state apparatus, which demonstrates his support for the lock-in hypothesis.

X. Conclusion

As the first chapters of the dissertation argued, the EU is exemplary of a MLG system in which the Basque Country represents a high-profile regional entity with a large degree of competencies that allow it to have a say in EU policy and decision-making. In order to provide further evidence for this statement, it is necessary to define the policy areas that empower the Basque Country to influence EU policy in the context of the Spanish central state, above the other Autonomous Communities. In order to explore the differences of the Basque Country, compared to the other Spanish regions, it was necessary to firstly analyse Spain's quasi-federalist structure

whereby the Basque Country enjoys preferential treatment and has a large degree of competencies therein. To better contemplate the Spanish system, the chapter compared it with the German symmetrical federalist model. The analysis revealed that there are representational difficulties in certain aspects of the Spanish system, which form contentious areas. Additionally, there are certain policy areas in which the Basque Country has a large degree of competency and expertise to gain visibility at the EU-level through formal central state facilitated channels. Interviewees expressed mixed viewpoints on the effectiveness of these central state facilitated channels, and the ability of the Basque institutions to present their interests therein.

The Spanish system has been opening up to regional entities primarily due to the necessity of political parties to govern. In this light, they have been locking the nationalists into a complex MLG system where they can control their actions to a certain degree through the creation of institutions that give them greater representational opportunities in the EU, but in a way that they are controlled through these same institutions. The Sectorial Conference, Carce (*Conferencia para Asuntos Relacionados con las Comunidades Autónomas*), is a pertinent example of an institution that is meant to give the Autonomous Communities a voice before the EU institutions, but it is considered an ineffective mechanism for regional representation, as both the literature and the interviews have demonstrated. Several interviewees noted a lack of horizontal cooperation amongst the Autonomous Communities. Nonetheless, the Socialists have made a greater level of concessions to the nationalists, which was the case with the establishment of the *consejero autónomico* before the EU Council of Ministers. Additionally, the interviewees from the Basque institutions clearly asserted that there has been a greater level of cooperation in the current period of the Socialists in office, rather than the stalemate situation that was omnipresent with the Popular Party. Thus, the chapter has provided evidence to support the lock-in hypothesis, which will be explored in the following chapters. It is noteworthy that the interviewees saw the advancements in cooperation between the central state and the Autonomous Communities as positive, but they also expressed the need to search for all channels at their disposal, which gives evidence to support the lobby maximisation hypothesis. It will be interesting to further explore the argument that political party coalitions enable cooperation between regions, central states, and the EU, i.e. party coalitions are also highly salient at an EU-wide level.

Therefore, certain policy areas remain controversial between the Basque Country and the central state, and these policy areas were identified throughout the chapter. Identifying the areas was useful for the thesis because some of these salient policy areas correlate with the same policy

areas in which the Basque Country is attempting to represent itself at the EU level through various channels. The chapter revealed that these are primarily areas that were agreed to be transferred from the central state to Euskadi through the Statute of Guernica, but were never truly transferred. Amongst those policy areas, a large number of them provide some economic benefit to Basque institutions, i.e. fiscal policies, employment, and research. The Basque Country has competency in fiscal policies and to some extent in employment policy. Nevertheless, the MLG system at the EU-level makes it difficult for the EU institutions to attend to the plethora of interests at the EU-level. Thus, although certain policy areas are pending transfer - or already partially, a Basque competence or area of their expertise - economy-related areas are large factors contributing to EU development, hence, many such policies are progressively decided at the EU level.

The Basque Country is highly active in a variety of policy areas, and chapter five will re-examine these competencies to see their correlation with informal representational avenues and areas where the Basque Country has expertise. Another principal focus of the chapter was the formal channels whereby the Spanish central state facilitates representation of the Basque Country at the EU level. Thereby, certain factors revealed in the chapter, such as political party coalitions, which will be explored later in the dissertation because they form informal avenues to influence EU policy.

Chapter IV: Interregional Organisations, the Basque Country, and the EU: Dynamics, Relationships and Policy Areas

In expanding the field of knowledge we but increase the horizon of ignorance

- Henry Miller

I. Conceptualising the EU and the Salience of Interregional Organisations (IROs)

The first chapters of the thesis argued that since the Treaty of Maastricht, there has been compelling evidence that demonstrates a large degree of decentralisation and devolution of power across EU member states. An interviewee from the Committee of the Regions (CoR) went as far as to state that decentralisation is also clear in the formally centralised former-soviet bloc states (Interview, CoR, Policy Analyst, Brussels, 2005). The ensuing chapter's premise rests on the fact that EU integration opens representational channels for a variety of both state and non-state actors, including numerous interregional organisations (IROs), with which both EU and regional actors interact. Authors have claimed that the EU system is a polity consisting of a flexible governance mode with various jurisdictions of Multilevel Governance (MLG) (Hooghe and Marks 2001; 2003; Bache 2005). I will clarify two terms that can help conceptualise the EU system and the entrance of the IROs.

Consociation is a governance system in which the leaders govern the polity through coalitions and in a consensual manner (Elazar 1994). The term was firstly coined by Lijphard (1968) to define the Belgium system allying its territories into a free alliance of provinces. Hereby, it recognises distinct parts of a society that is divided by languages, ideologies, or other societal factors, as is the EU. The principal assertion is that the elites can equalise the contentious differences whereby the cleavages are rooted. The conception can easily be applied to the EU that is divided by the same factors in a complicated system in which expert advice is channelled to the EU through a variety of outside entities, which this chapter argues is partly through IROs. Condominium is a system that is ruled jointly by two external powers whereby the citizens have a large degree of self-rule (Elazar 1994). It is used to coin a territory composed of several entities that together employ a joint sovereignty, which is a factor present in the conception of an international community. Likewise, the EU obtains its jurisdiction to rule partly by twenty-seven member states - with ideological differences - and therein there are several policy sectors at stake

that affect each individual member state and the whole of them. Additionally several coalitions, partnerships, or IROs that represent a variety of organisations combining interest into networks, which I term representational channels, can have an impact on the system. Hence, the EU system can arguably be conceived as a middle ground between the two definitions, which will be further explored below.

As interview evidence will demonstrate in the ensuing chapter, the importance of specific organisations depends on the entity, be it governmental or parliamentary, the policy areas, and their contacts within the process that they are attempting to influence. Policy sectors and representational channels are so extensive that both governmental and non-governmental entities can have influence, especially if they succeed in coalescing their interests. As Schmitter argued, in the EU, new tasks are assigned, not to the Commission, but to independent regional agencies, thus providing evidence that the EU is more a system of MLG resembling either a condominium or a consortium, as opposed to a model of pure 'stateness' (Schmitter 2004: 71). His assertion adds an interesting element to MLG and is relevant in this chapter. Thus, the chapter takes Schmitter's theoretical assertion regarding the salience of 'regional independent agencies' and tests it using IROs to evaluate if they are able to influence EU decision and policymaking, or rather, if the Basque Country is able to have influence through IROs on EU policy design. To do so, firstly it is necessary to define the most salient IROs, then to see if the Basque institutions were able exert pressure on them and impact specific policy areas. The ensuing chapter argues that the Basque Country - amongst other Regions with Legislative Competencies (RLCs) - is influencing the policy process by joining wide-ranging pressure groups to influence EU policy through transnational networks of regional actors formed through IROs. If the hypothesis is accurate and the regions are seeking increased representation via the IROs, then it will be possible to observe that the Basque Country is relying on certain IROs in concentrated policy areas, which will be explored towards the end of the chapter after discussing the IROs with wide ranging membership (Calre, Regleg, and AER).

The chapter will identify the most important IROs revealed through interviews and analysis of EU legislation to reveal the web of informal contacts and networks in the EU, focusing on the Basque Country's participation in these networks. It will simultaneously demonstrate that EU integration is opening channels for the IROs to exercise influence upon policymaking. It also identifies the main policy areas that are the focus of specific IROs. Before continuing to survey the IROs, I first pose the question that encapsulates the importance of my research, which is further explored in the conclusion. Why would the regions become involved in IROs? Why

would the regions seek representation in IROs? Do they still focus their attention on the central-states, or have, they found a way to have a direct impact on EU policy? The previous chapter provided evidence to argue that there are certain policy areas that are contested between the Basque Country and the Spanish central state. This chapter will progressively identify the policy areas where Euskadi is seeking representation through IROs. The main hypothesis that would explain the behaviour of RLCs assumes that there are insufficient representation opportunities provided by the central state, thus, each RLC attempts to gain influence by establishing transnational networks in order to maximise its chances of influencing the policy and decision-making process, which I term the lobbying maximisation hypothesis. It is a situation in which regional entities rely on lobbying the maximum number of entities with the hopes that their efforts will have an impact. Their main goals are to gain information on the one hand, and provide expertise on the other, so as to be fully informed on recent legislation and attempt to influence the decision / policymaking process at an early stage. Nationalist political parties may also attempt to influence the EU policy / decision-making process to express their nationalist / regional party demands, which is a possibility that will be discussed in chapter five.

Theoretically supporting the salience of IROs in EU decision and policymaking, Peterson claims that the EU thoroughly depends on apolitical committees of officials, experts, and other stakeholders to prevail over dissent, mediate agreement, and push the policy agenda in a positive direction forward (Peterson 2004: 118). Regional governments are able to influence EU decision-making in a cooperative manner through the transnational alliances that IROs provide, which are effective means for the regions to respond to the EU, especially when combined with their individual efforts through their regional offices (Marks and McAdam 1996: 266-267). Peterson in many ways provides justification for the thesis's approach, thanks to his analysis of informal contacts established by the regions with the EU. He states that analysing networks assists in describing exchanges to distinguish the numerous levels in a MLG system (Peterson 2004: 128). Following his reasoning, the chapter analyses the various groups of institutional actors that have a certain degree of power at their disposal and are able to influence policy. The thesis focuses specifically on the set of institutions or IROs that the Basque Country utilises to influence EU decision and policymaking because it represents an extremely powerful region, as justified in the preceding chapters.

A CoR representative in charge of inter-institutional relations with other IROs highlighted the importance of networks in the EU, to allow the sharing of information. Included in these networks are associations that represent regional and local authorities, such as Regleg and Calre.

He focused less on the AER and only mentioned it when questioned during the interview. Interestingly enough, he reveals that these organisations network amongst one another to share information and the CoR considered them part of the subsidiarity monitoring network;

It's clear that regions with legislative powers, regional assemblies, have the kind of network and the kind of human resources capacity to respond to subsidiarity, they have people who are obviously aware of the legislative process who understand what is an extremely complex issue, and not just any local government can necessarily have someone on the ground who is able to make that type of analysis on such short amount of time, dealing with such things and so naturally they share networks and information, they are regrouped into associations, associations representing regional and local authorities, such as Regleg and Calre. These are organisations which regroup strong political actors, and the AER, there are a number of large members of their network who may have the necessary capacity to be able to take part in this this subsidiarity monitoring network (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005)

The interviewee downplayed the role of such interregional organisations that have local powers mixed with RLC due to the fact that they may not necessarily have the manpower to affect EU policy. In this respect, he supports the dissertation's hypothesis that administrative capacity is a key to influence that was explained in chapter three. He also highlighted the importance of sharing and collecting information.

There are numerous ways to influence the EU policy and decision-making process. Informal lobbying networks are one such way. Since Euskadi is a powerful region with numerous contacts, the Basque Country's most favourable IROs, or those that it considers as the most important, is an indicator of their salience. Euskadi participates in transnational networks including Calre, CoR, Regleg, and AER, although the latter to a lesser degree. They are important mechanisms for sub-state legislatures and governments to gain transnational influence.

An official representing a central state focused political leaning - due to the fact that she represents the Autonomous Communities in the Spanish permanent representation - asserted that the CoR provides a forum to encourage informal policy networks and initiatives for regions to confront EU legislation and decisions (Interview, Spanish Permanent Representation, Brussels, 2008). Interviews with governmental and parliamentary officials varied according to their respective position, revealing that Regleg is the most important and effective channel of representation and influence for regional governments (in the view of the governmental interviewees), and Calre is the most prominent IRO for the regional parliaments (when the respondent had a parliamentary perspective), hence they will be described in detail. Other IROs that the Basque Country is involved in will also be discussed thereafter. Although IROs, such as

the Assembly of European Regions (AER), have less importance, at least for the Basque Country, it¹ will still be discussed to avoid analysing only the Basque Country's favoured IROs.

The thesis recognises that the European Council and the Council of Ministers are important EU institutions involved in the decision / policymaking process, primarily because their membership consists of heads of state or ministerial leaders with a very high degree of influence and power. Nonetheless, these two EU institutions are not the only meaningful actors influencing EU policy and decision-making. Hence, regional networking through IROs presents an alternative or supplemental channel of influence, as this chapter argues and as was strongly supported by one interviewee, who was in charge of Autonomous Community relations to the EU with the Spanish permanent representation (Reper). She alludes to the fact that the Basque Country can be out muscled by the central state, and she commented on their search for RLCs with combined interests. The interviewee confirmed that informal networks are valid instruments to influence EU policies or projects. They can be formed through European interregional associations whose contacts encompass extensive networks, which are able to circumvent the bureaucracy of the EU policymaking arena;

For example, the Basque Country interests have to be diluted when the Spanish position is presented. Nevertheless, if the Basque Country is able to find regions or people with common interests then they can have a large degree of influence on EU decision and policymaking [...] these are informal contacts, and also the contacts through the CoR are also informal contacts and initiatives. There are instruments that try to influence financial policies or projects to cut a bit of the bureaucracy and to create European associations. The informal contacts are very effective: cooperation inter-territorial, associations, they have extensive networks that are constantly being elaborated and developed in the EU political context (Interview, Spanish Permanent Representation, Brussels, 2008)

The Reper official responded to a question inquiring if the IROs are an effective channel to represent the interests of their member regions. The interviewee supported the effectiveness of coalition or the collaboration of several entities to have a greater influence on EU policy.

II. EU Institutions and the Regional Presence

The role of the regions in Europe has been strengthened through some of the events discussed in the following section. Regions have been recognised as pillars of democracy and there have been ongoing processes of regionalisation across Europe. Territorial authority has been

¹ Interviews: Delegation of Euskadi, Brussels, 2005; Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006; Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006; Spanish Permanent Representation, Brussels, 2008.

strengthened; proof is its institutionalisation through the creation of the Congress of Local and Regional Authorities in Europe (CLRAE) of the Council of Europe (1993) and the Committee of the Regions of the European Union (CoR) (1994). The formation of both entities, and more recently, the explicit recognition of the Protocol on the Application of Subsidiarity and Proportionality (2004) in the Treaty of Lisbon (2007) serve as evidence of an impulse towards regionalisation. At the policy level, the past ten years have seen advancements in regional policy through the creation of numerous partnerships in the context of structural policies through interregional and cross-border cooperation in the European Commission.

One practical example of substate entities' ability to maintain direct contact with the Commission is through DG Regional Policy. The Commission regulates the Interreg Programmes that distribute ERDF funding for joint development projects that involve two or more bordering EU regions. Interreg III is an EU initiative consisting of numerous interregional programmes aimed at stimulating cooperation between bordering regions of member states during the programming period 2000-2006. As an interviewee from the DG Regional Policy explained, Commission civil servants evaluate the developmental projects that regions submit for ERDF funding, and thus, they have direct contact with regional managing authorities for both the approval and the follow-up of projects (Interview, Commission - DG Regional Policy, Brussels, 2008). Hence, the regional authorities have constant correspondence with the Commission to ensure compliance with the Commission's fiscal regulations for the projects.

The ensuing paragraph outlines and analyses the Protocol on the Application of Subsidiarity and Proportionality to provide evidence of it giving a greater impetus to regions in the EU policy and decision-making process. As a side note, the process outlined herein is also coined the early warning system. Article one of the Protocol states that the Commission shall consult other institutions before proposing EU legislative acts and should account for the regional and local dimension. In the case that it does not consult in matters of urgency, then it must justify the reasons for not consulting. Article four clarifies that the Commission, European Parliament, and the Council must forward EU draft legislative acts to national parliaments, which must additionally contain an appraisal of their compliance with subsidiarity. Hence, the Protocol actually obliges the institutions to have approval from the legislative assemblies within each member state, and compels the EU institutions to evaluate their formal compliance with subsidiarity. Additionally, article eight gives the concept of subsidiarity legal standing wherein a region through their regional or national assembly can uphold an evasion of the principle of subsidiarity before the European Court of Justice (ECJ). The protocol prescribes that each

member state chooses a legislative chamber to monitor or report on the subsidiarity concept. The concept of 'national parliaments' is a controversial phrasing of the Protocol because regions across the EU do not have equal levels of competencies and there is no specification concerning which legislative chamber the Protocol is actually referring to (e.g. regional assemblies, national assemblies, etc.). Nonetheless, regional parliaments are working with Calre on developing the subsidiarity principle and integrating the new powers envisaged by the Protocol. In addition, Calre and Regleg discussed the formation of an Intergroup along with the CoR to monitor subsidiarity envisaged through the early warning system.

II. 1. The EU Institutions of Decision Making

The following section describes the three principal decision-making institutions in the EU, and then, evaluates the instances when these institutions have made significant moves to integrate the regions, and more specifically the IROs. The primary EU decision-making institutions are the: European Commission, the European Parliament, and the Council of Ministers (also referred to as the Council of the European Union). The Treaty of Lisbon (2007) stresses that the European Council does not exercise any legislative function and that it is comprised of heads of state and that the Council of Ministers exercises the legislative function concerning the budget along with the European Parliament. The Council of the European Union and the European Parliament pass laws, and meanwhile the Commission proposes new legislation (Europa 2008). The EU treaties set out the formal rules and procedures for EU decision-making, which are principally consultation, assent, and co-decision (described below).

The three principles form the legal basis for new policy proposals and are described herein. Codecision is a process whereby the Council of Ministers and the European Parliament share the same legislative power. The basic premise rests on the idea of parity and that neither institution can adopt a proposal without the other's approval (assent) (European Commission 2008). The Commission is solely responsible to put forth legislative proposals (Article 250(2) EC Treaty). Nevertheless, there are various entities, which are able to add their input in the policy formulation phase before the proposal is finalised and sent to the European Parliament and the Council. Thus, subnational actors can influence policy when it is discussed in the Commission, especially in the form of expert advice. An interviewee from the Commission's Directorate General of Regional Policy (DG Regional Policy) stated that the Commission's proposals are the result of an extensive consultation process, which may be conducted in numerous ways. Some examples are: impact assessment, reports by experts, consultation of experts specialised in: national issues, international organisations and / or non-governmental organisations, consultation

via Green and White Papers, etc (Interview, Commission - DG Regional Policy, Brussels, 2008). The idea behind the consultation process is to ensure that the different Commission departments have considered all aspects of the issue in question.² Hence, experts from a range of sectors and institutions are useful.

The preceding paragraphs have described the institutional process that enables IRO and / or substate entities entry into the EU policy and decision-making process. Now, I will outline key EU level declarations that support the argument that the EU is becoming more open to regions. The Declaration of Laeken (2001) was a result of the European Council meeting in Laeken, Belgium 14th and 15th December 2001. Its important contribution was its mention of the concept of the 'region with legislative powers'. Thereafter, the legislative regions were further involved in the subsequent Convention on the future of the EU. The CoR sent a delegation to the convention where five of the six were representatives from regions with legislative powers (Regleg 2004).

When asked about the ability of external entities to lobby the institutions, an interviewee from the IRO level described the evolution of the institutions, especially the Commission as being progressively accessible and willing to take in outside perspectives;

The European Commission has been open to outside bodies since the early 1980s when the EU basically consisted of the European Commission and the European Parliament had very very few powers. So basically the Commission was a very very small group of people of member states it was basically making all the decisions and in an ordinary debate exclusively among themselves about policy. Over the past twenty-five years that there has been a process of much wider engagement. Brussels has been much more like Washington in the sense that every lobbyist on the planet is represented in Brussels. You have multinational corporations Ford, General Electric, General Motors there are very important decisions taken by the European Commission on competition, which have big implications for global trade. The Commission has responded to that and it has opened itself much more in the past twenty to twenty-five years and the European Commission to its credit is very much more open to engagement with people with very differing interest in policy if someone has an interest in politics tried to have a dialogue in Brussels and by telephone or email, tried to engage with a European Commission official who is responsible for an area of policy and had an interest.... I think that you'd have a really good chance in getting in to see that person and having a dialogue. They're quite keen toward hearing what people have to say to them they want to find out... everything when it comes to consultation. Considering the various lobbying offices a very important part of their job virtually everyday, is to go to the various Commission DGs to pick up documents. With the Internet, Commission documents are available and the physical function to track has largely disappeared... So the Commission encourages people to have dialogue with it via the Internet. People don't have to come necessary in constant

² See also: 'Codecision "step by step"'. Commission Proposal; available at: http://ec.europa.eu/codecision/stepbystep/text/index_en.htm (accessed 23 April 2008)

delegations to Brussels anymore. The Commission organises Europe-wide symposiums, as they're called informal meetings (Interview, Regleg Official, Brussels, 2007)

The interviewee clearly recognises the value of the Commission becoming increasingly open to outside entities. He clarifies that there are an extremely large number of entities relying on the Commission as a principal lobbying focus and the Commission for its part is receptive to them. It is also a relevant point to mention that many lobbyists are interested in information because it is with this tool that they are able to find what are the current directives and policies at hand. The next paragraphs discuss documentary proof that there is an increased level of cooperation between regions, the CoR, and IROs in EU legislative processes.

The Commission's White Paper on European Governance marked the beginning of the idea of structured dialogue between the Commission, CoR and IROs, in general (Calre 2005). Representatives from both the Basque Parliament and the DG Regional Policy asserted that the White Paper on Governance is evidence of the Commission's openness to engage with regional entities.³ The Basque Parliament interviewee stated that the Commission is orientating itself towards regional and local entities in European policies and the White Paper on Governance has placed guidelines with an emphasis on regions, and to some extent, has recognised their expertise for decision-making (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). The European Commission demonstrated its intention of further developing contacts with the IROs during its meeting "What is Structured Dialogue?" in Brussels (10 July 2004). Therein, it recognised the importance of the CoR for organising the dialogue. Calre engaged in the debate concerning the preparation of the Communication of the European Commission and also took part in the plenary session of Reggio Calabria. Officials from the EU institutions, Calre, the CoR met to negotiate an accord regarding the establishment of a permanent pre-legislative consultative link between Calre, CoR, and the Commission concerning EU legislation affecting regional competencies (Calre 2005). Hence, there is extensive correspondence between the Commission, the CoR, and IROs such as Calre, which demonstrates a communication network and offers RLCs the chance to express their perspectives to the EU.

The Commission's report "Citizens for Europe" (2005) is notable because it demonstrates the Commission's positive attitude towards collaboration with IROs. The report proposed the establishment of a programme between the European Parliament and the Council to promote active European citizenship (European Commission 2005a). In support of an evaluation of the

³ Interviews: Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006; Commission - DG Regional Policy, Brussels, 2008.

programme a consultation forum took place on 2-3 February 2005 that included a wide range of stakeholders including regional and municipal representatives and European networks and associations (European Commission 2005a: 39). It provides evidence of a regional emphasis and consultation provides in which various actors, i.e. interest groups or regional associations, are able to and do lobby EU institutions.

Specifically, the report speaks about the Commission's engagement with certain IROs concerning education, development, and technology based programmes increasing EU active citizenship through education. For instance, the report mentions the Council of European Municipalities and Regions (CEMR), which is the largest organisation of local and regional government in Europe. The report specifies CEMR in providing direct structural support for town twinning, which is aimed at promoting conferences, seminars, and publications on common interests (European Commission 2005a: 5, 18). Twinning projects are transnational and the report pledges that the programme will enable transnational cooperation amongst regional organisations, and the programme is closely associated with DG Education and Culture (European Commission 2005a: 27). As a side note, CEMR is linked to the Commission in that ten per cent of its budget originates from a grant from the Commission defined as the "Active European Citizenship" programme, which should give the Commission a certain degree of influence over CEMR's activities. CEMR will be discussed again towards the end of the chapter with regards to its links with other IROs. Returning to the report "Citizens for Europe", it also makes an important mention of the promotion of knowledge-based society and the Sixth Framework Programme for Research and Technological Development. Thereby it highlights the promotion of a knowledge-based society that is shaped by national, regional and local policies (European Commission 2005a: 28).

During an informal meeting with a Commission representative from DG Regional Policy, the respondent stated that the Commission's work practices opened it to better consultation with the regions. The validity of his statement correlates with the aforementioned documents and the comments from other governmental, parliamentary interviewees, and respondents from regional offices and IROs.⁴ The official from DG Regional policy revealed that the RLCs actually influence the legislation, which the Commission initiates.

⁴ Interviews: Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006 ; European Parliament - PNV, Brussels, 2007; European Parliament - PP, Brussels, 2007; Basque Government - EU Affairs, Bilbao, 2006; Delegation of Euskadi, Brussels, 2005; Catalonia Regional Office, Brussels, 2005, Nordrhein-Westfalen Regional Office, Brussels, 2004, Scottish Regional Office, Brussels, 2007, Wales Regional Office, Brussels, 2007; Regleg Official, Brussels, 2007; Spanish Permanent Representation, Brussels, 2008.

The regions can directly influence policy areas where the Commission has exclusive competency, i.e. in agriculture, competition rules, certain aspects of fisheries policy. A policy player can present its interests to the civil servants in the Commission at any point of policymaking due to its openness to outside perspectives, i.e. policy formulation or proposal phases (Interview, Commission - DG Regional Policy, Brussels, 2008)

He makes it clear that outside entities or diverse policy players can easily approach the Commission officials. Even during the interview phase of the dissertation it was quite simple to have informal meetings and arrange interviews with individuals from the Commission. A respondent from Regleg supported the Commission representative's assertion about the Commission's openness:

It is quite simple for policy players to contact a European Commission official – who is responsible for a particular policy area – to express their interests to the Commission through telephone or email. Additionally, the Commission organises consultation exercises that have transformed decision and policymaking processes allowing the input of many perspectives. In the initial phase of decision-making outlined in the co-decision process, the Commission makes the initial policy proposal, which can include various interests and perspectives.⁵ The Commission has facilitated dialogue with many policy players in the formulation of its policy proposals. Therein, it has involved the regions and Regleg over the past five or six years even without being legally required to do so, which has improved its consultation (Interview, Regleg Official, Brussels, 2007)

The Regleg representative not only acknowledges the approachability of the Commission, but he also describes their organisation of activities, including conferences, whereby the Commission consults various policy players, and they (e.g. regions and Regleg) can in turn put forth their perspectives. In the initial phase of decision-making outlined in the co-decision process, the Commission makes the initial policy proposal, which can include diverse outside interests and perspectives.⁶

III. The Committee of the Regions

This section describes the dynamics of CoR membership selection. The Treaty of Maastricht (1992) symbolised the initiation of regional recognition in the EU through the creation of the CoR, which envisaged the idea of 'bringing the regions to Brussels'. Its members serve four-year terms and its composition is constantly changing because its members are politically accountable to local or regional assembly or council. Thus, they are not pure bureaucrats or politicians. They are regional representatives that must hold politically-democratically elected office in their own state to be CoR members. The EU member states' national delegations

⁵ see: www.euro-know.org/dictionary - co-decision.

⁶ See also: www.euro-know.org/dictionary - co-decision.

decide the membership list for the CoR, and the Council approves the list and the number of seats for each member state

The CoR consists of a mix of regions, some with constitutional competencies along with other entities that are city or county councils because each member state's regional divisions are disparate. A representative from the Basque Government, who is in charge of Basque external relations with the EU, commented on the CoR. In his view, although it is important to be represented in the CoR, the institution is limited because its opinions are not binding on the other EU institutions, it does not have decision-making power, and it does not distinguish RLCs from other regions. Indeed, there are also members of city councils along with RLCs. Even within member states, the power of regions differ, for example, there are Spanish Autonomous Communities with mixed legislative and executive competencies. Regarding influence in the CoR, it is not always the case that if a regional actor is strong in their home country, then they automatically have a high level of influence in the CoR (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). Both officials from the CoR described it as a space for political debate amongst regions with varied circumstances and powers. It is a political forum that goes beyond political and geographical lines where regional representatives can meet and discuss issues (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005; Interview, CoR, Policy Analyst, Brussels, 2005) providing a link between EU decision-making and local entities. The representative from the CoR in charge of relations with the IRO points out the importance of gaining information, which is an essential element of influence, and marks the importance of regional cooperation. He coins the CoR a "communication institution" that informs people, regions, etc. It consists of regions working together for common ends through informal coalitions of regions (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005)

The member regions are multifarious in their positions within their own states, thus, there are no set EU-wide formula for nominating the CoR representatives. In centralised states, the member region can consist of central state representatives. Other member regions are from decentralised states, i.e. in Austria, Belgium, Germany, Italy, Spain, and the UK, and they have at least some autonomy and executive or legislative power. For example, the German Länder and the four UK regions ("nations") England, Northern Ireland, Scotland, and Wales have different expectations about CoR membership than some English or French regions without legislative competence. The member regions also differ economically. There are regions, such as Baden Württemberg and Nordrhein-Westfalen, which are major EU economic and industrial motors with significant

populations. A minister from Nordrhein-Westfalen could find himself next to a Danish town spokesperson due to its mixed membership composition. There are also regions, such as Valle d'Aosta or South Tyrol who are autonomous Italian alpine regions, but they do not have a large degree of economic power or large governmental staffs to engage in wide ranging lobbying.

There are contrasting views regarding the CoR's membership composition. Some CoR members see its composition to be a deficiency in its representative effectiveness, especially those from RLCs that were interviewed (i.e. Euskadi, Catalonia, Nordrhein-Westfalen, South Tyrol and Scotland).⁷ Conversely, a CoR representative respondent declared that its composition is the most suitable and acceptable form, taking into account that it is large body with 317 members (Interview, CoR, Policy Analyst, Brussels, 2005). The respondent obviously makes the point that it would be difficult to create preferential treatment in such a vast organisation. An interviewee from the Basque Parliament in charge of IRO relations perceived the CoR's mixed membership composition to be a downfall to its effectiveness in representing the RLCs because it includes a plethora of unrelated regions, cities (such as London or Paris), local entities, which sit alongside the RLCs (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Although the Basque official does downplay the role of large cities, it is true that urban centres, such as London and Paris, may have a superior economic or political weight than some RLCs, such as South Tyrol. Her comments are reminiscent of the Basque Country demanding special status within Spain, as chapter three described. Nonetheless, the Regleg representative agrees with her and asserts that the disparate governmental levels of representation (i.e. local, municipal, regional, provincial, etc.) prevent the CoR from operating effectively, even as a consultative body. The interviewee continues stating that it is difficult for the CoR to have an impact on EU policy and decision-making when high profile political figures are paired with small town councillors. He does attest that there is nothing wrong with councillors being represented, but the major players at the regional level want to be with peers with a more or less equal political or governmental weight to create a strong network (Interview, Regleg Official, Brussels, 2007). Therefore, most RLCs appear to be seeking to maximise their chances for the CoR to influence EU policy through combining the efforts of powerful policy players, and therein supporting the hypothesis that regions are trying to increase their level of influence through participation in coalitions.

⁷ Interviews: Delegation of Euskadi, Brussels, 2005; Catalonia Regional Office, Brussels, 2005; Nordrhein-Westfalen Regional Office, Brussels, 2004; Wales Regional Office, Brussels, 2007; Scottish Regional Office, Brussels, 2007; South Tyrol Regional Office, Brussels, 2005

After having described the CoR's membership characteristics, the next paragraphs discuss aspects of its composition and how it functions. A CoR official outlines the general functioning of the CoR from membership criteria to its meetings. He began his description outlining that its members must be:

politically accountable or elected to a local or regional assembly or council. Meetings are held every two to three weeks and the national delegates meet about once a month. Each acting member goes to their respective committee meeting representing both their delegation and their political group, which correlate with those of the European Parliament. The main discussion occurs in the six commissions.⁸ Plenary sessions are held five times a year, the final voting is not too interesting concerning their outcomes, but the result is the final say. CoR members normally come to Brussels about one week per month. It is not a general rule that if a regional actor is strong in their home country, they are automatically strong in the CoR (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005)

The respondent's remarks are relatively descriptive, but he does make an interesting evaluation of the members' respective political power within their member states in his last sentence, which does not inevitably correlate with their influential capabilities in the CoR. He also made an important statement about the sharing of political coalitions in that CoR members many times have the same political grouping as the European Parliament, thus, these links can represent channels of influence. In addition to those political groupings, both CoR interviewees identified the various representational channels possible through the political connections of its members stating that the CoR members have at least three political allegiances: a) their national political parties, b) their EU party coalitions, c) their national governments, d) their regional governments, and e), their particular CoR commission.⁹

Units comprise the CoR, and it has a relatively novel unit on subsidiarity that was established in 2004. The respondent explains the separation of the CoR into units:

Administrational units are dedicated to particular issues, for example the 'subsidiarity monitoring unit.' There are five people in the administrational unit, which was established in 2004 as a proactive move by the EU to involve the CoR and regions into the implementation of the principle of subsidiarity (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005)

⁸ There are six commissions: a)COTER (Commission for Territorial Cohesion Policy) Commission; b) ECOS (Commission for Economic and Social Policy) Commission; c) DEVE (Commission for Sustainable Development) Commission; d) EDUC (Commission for Culture and Education) Commission; e) CONST (Commission for Constitutional Affairs and European Governance) Commission; f) RELEX (Commission for External Relation) Commission more information available at: http://www.cor.eu.int/en/presentation/cor_commission.htm

⁹ Interviews: CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005; CoR, Policy Analyst, Brussels, 2005.

The unit is an interesting advancement within the CoR due to the fact that it creates a network to analyse subsidiarity amongst regions and other interregional organisations creating a communication link to facilitate the sharing of information and resources.

The interviewee's following appraisal demonstrates the small capacity of the CoR in comparison to other institutions and other city governments, i.e. Paris. Its size could have a direct relation with its limited ability to influence, which is a general critique of the CoR.

Internally, the CoR has a relatively small administrative capacity of around thirty or forty civil servants, but which does exclude the plethora of: translators, assistants, and security who are not be included in the official numbers. To provide some bearing on the size of the CoR, in comparison, the Commission has twenty some thousand. The city of Paris, for example, has fifty thousand employees. Hence, large degree of work that is left to the individual member states territorial – city or regional – governmental administrations (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005).

The CoR has a certain formality as part of the EU institutional framework, but it fosters both informal and formal channels through transnational cooperation and transborder alliances. A hypothesis is that officials with a large degree of contacts have a greater range of influence. A CoR official commented on the effectiveness of CoR opinions to have an impact stating that influence through formal channels is limited to the submission of opinions and political resolutions, which cannot compel other EU institutions to act (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). Thus, the effectiveness of the opinions is restricted to the responsiveness of the EU institutional officials or their willingness to accept the CoR positions because they can easily disregard them. The political bureau of the CoR can decide to launch an opinion within its ten mandatory consultation fields: economic and social cohesion, education and youth, culture, public health, trans-European transportation networks, employment, social affairs, environment, transportation, and vocational training (CoR 2007). In explaining the source of active lobbying in the CoR, an interviewee from the Spanish permanent representation asserted that states that do not have a strong regional representation, i.e. Hungary, do not engage in lobbying simply because their regions do not have legislative competencies (Interview, Spanish Permanent Representation, Brussels, 2008). The lack of lobbying could be due to fact that there is not a tradition of lobbying in some of the former soviet bloc states, or conversely as stated in an earlier hypothesis, they may not have the personnel and resources to dedicate to the cause.

The next paragraphs question the CoR's role in informally influencing EU policymaking. Several interviewees, including representatives from regional offices, the CoR, and the Basque

Government discerned that its members go to the European Parliament as observers or informal actors, so their influence depends largely on personal contacts.¹⁰ Thus, CoR members do indeed have a varying degree of contacts with the other EU institutions. A CoR respondent, reflecting on the effectiveness of informal and formal channels in the CoR, stated that if an EU constitutional treaty were to oblige formal interaction there would be a heavy burden placed on it, and possibly, its influence would not be as effective as it is currently through informal means. Hence, although there is a large degree of informal dialogue amongst EU bodies, cooperation between the CoR and the rest of the EU is not institutionalised. (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). In defence of his observation, another CoR civil servant argued:

There is a large degree of collaboration between the European Parliament and the CoR due to collaboration between the Parliamentary *rapporteurs* and the CoR on various issues. Additionally, the CoR and the Commission are currently negotiating a bilateral cooperation agreement to address issues such as subsidiarity and dialogue between associations representing local and regional authorities (Interview, CoR, Policy Analyst, Brussels, 2005)

Both appear to support the assertion that there is a certain degree of contact between the CoR members and the EU institutions. They seem to focus on the European Parliament, which the dissertation argues is likely to be between policy players that share political affiliations.

Another CoR representative stated that political affiliations and contacts and their relation to policy making have a direct effect on the receptiveness of the other EU institutions to CoR opinions.

It appears that, in the EU institutions, the majority fall to the centre right of the political spectrum. The relationship of a given contact with the EU institutional *rapporteurs* has a direct impact on the effectiveness of this representational channel. For example, if a particular person knows the *rapporteur*, then they can input their stance and this is more influential than any constitutional or institutional arrangement (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005)

As aforementioned in other interviews, the *rapporteurs* appear to have a large degree of importance, and having contact with this individual can be instrumental for having influence on a given policy. His statement sustains the hypothesis that political party affiliation increases the ability of policy players to exert influence. They also demonstrate the fact that EU politics are not wholly dependent on formal relations.

¹⁰ Interviews: Catalonia Regional Office, Brussels, 2005; CoR, Policy Analyst, Brussels, 2005; Basque Government - EU Affairs, Bilbao, 2006 ; Delegation of Euskadi, Brussels, 2005; Scottish Regional Office, Brussels, 2007

Further sustaining the respondents' claims about the salience of the relationships between the CoR members and the European Parliament, a Basque MEP representing the central state and a centre-right perspective as a Popular Party (PP) member divulged that, the Europarlamentarians do not participate directly in the CoR, but the CoR does present opinions to the European Parliament on issues related to regional development policy (Interview, European Parliament - PP, Brussels, 2007). The Europarlamentarian from the PNV said that he is represented in the CoR through his personal contacts through his allegiance with the political party that also led the Basque Government (NB: the PNV is also a conservative party, but nationalist). Additionally, the interviewee demonstrated further opportunities of the CoR to have affluence in the other EU institutions meanwhile also stating its limitations. He asserts that the CoR may send a report raising issues to the Council, the Commission, and / or the European Parliament, but it is not obliged to do so, nor are the institutions obliged to answer (Interview, European Parliament - PNV, Brussels, 2007). His observations firstly reveal the level of inter-institutional cooperation and the hypothesis that party coalitions facilitate greater cooperation due to the fact that he is both a member of the PNV and the Basque Government.

Although the interviewees expressed their ability to influence policy across EU institutions with effective contacts, it is still extremely difficult to discern responsibility for the initiation or alteration of a given EU policy. In addressing the difficulty in pinpointing the exact influences for a particular EU policy, a CoR interviewee stated that:

it is difficult to determine what entity or person is responsible for changing a particular EU policy. A certain policy may have changed after a CoR opinion was submitted, but it is difficult to determine if the EU legislative proposal was changed as a direct result of the CoR opinion, or it was altered because of other factors. For example, an EU directive could have also been amended due to lobbyist pressure at any point of the policymaking process (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005).

Therefore, the respondent's perspectives can assist the dissertation to identify the channels where policy change is possible, but it is difficult to assign exact responsibility. For this reason, chapter five will analyse specific policy areas with the intention finding specific influences.

EU representative bodies, such as the CoR promote regional empowerment through conferences, which is another informal way that the CoR can affect the EU policy and decision-making process. According to a CoR representative, it spreads information and ideas to regions and local entities. The CoR enables regions to organise numerous events, including: concerts, debates, exhibitions, which are signs of their proactive will to participate and acquire a voice

(Interview, CoR, Policy Analyst, Brussels, 2005). The respondent signals an important point in that informal meetings and conferences reflect one way to spread information and regional policy positions to have an impact on policy outcomes. A second CoR official defines the organisation's *raison d'être* describing it as bringing together local entities and regions to the European legislative process, but it does not intend intervening in central-state decision-making because it does not seek to interfere with internal central state factors (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). The other CoR civil servant illustrates that it does not have the role of arbitration, but rather communication of the EU's interworkings to regions through a bottom-up perspective. The regional or local level is an important consideration for EU decision / policymaking because much of the EU legislation directly affects them, i.e. local waste storage. The global impact of dealing with waste makes regional level policies a significant consideration (Interview, CoR, Policy Analyst, Brussels, 2005). In this light, the CoR deals with politics at the local or regional level because it is more effective to address policies at the lower governance levels due to practicality.

According to a CoR official, the CoR seeks to establish direct links between the EU and regional levels, especially in the area of information dissemination, which is an essentially informal channel (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). Another policy analyst illustrated the purpose behind the practices of the CoR.

The premise behind information dissemination is for the European cities and regions to understand their rights, responsibilities, roles within the legislative process, and above all to comprehend where the division of power lies in the EU. The CoR seeks to explain to regions how networks can assist and obtain expertise for them to have real influence on EU policy, or at least be informed on what legislation is being created in order to have the opportunity to influence decision and policymaking (Interview, CoR, Policy Analyst, Brussels, 2005).

Hence, the CoR facilitates the development of networks that can assist regions to have an impact on EU policy and decision-making. The CoR's promotion of subsidiarity can be seen as a catalyst for creating communication networks.

The CoR interviewee in charge of the subsidiarity monitoring unit explained the CoR's conception of subsidiarity and the way the unit functions, which is combined in the ensuing paragraph with the opinions of representatives from Brussels regional offices. Through subsidiarity the CoR can function respecting both the sovereignty of the central-states and the role of regions and municipalities. The CoR official illustrated his definition of subsidiarity and gave the practical example illustrating that Brussels should not legislate on minute municipal policies.

laws are passed and implemented at the correct and suitable level, and it's not for us here in Brussels to legislate on how a small city council empties their dustbins. Maybe what they do with their rubbish, that's another matter, whether they choose to empty them at 5:00 am or at 7:00 pm, that's not for us to legislate on, that's a decision that should be taken at the Bath city council level, not wasting national parliamentarians time with that sort of thing (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005).

The interviewee makes the simple point that some policies are better managed and regulated at the local level where officials are better informed and experienced on issues. He further describes the development of his unit within the CoR, called the subsidiarity monitoring unit that is a response to the Protocol on Subsidiarity and Proportionality, officially recognised in the Treaty of Lisbon. The unit was formed in 2004 and consisted of five people, it allows various regions to post their responses or respond to CoR analyses on particular legislative proposals, which can be accessed via the internet by CoR members (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). Thus, the number of personnel working in the unit is relatively small, but the network has a large potential to inform and spread information to regions about current EU legislation and provides them with expertise on specific policies to be able to react quickly.

The CoR respondent also explained the goals of the subsidiarity unit, aimed at closer institutional relations with the Commission.

The idea is to build a supra-network that links local networks: local and regional assemblies and parliaments, regions with legislative powers, local powers, etc. CoR's subsidiarity unit manages relations with the associations of European regions representing local and regional authorities. Basically if a legislative proposal comes out of the Commission, the network will be able to rapidly analyse it and to react to any violation of the principle of subsidiarity. The members of the network could then provide specific evidence to give grounds to the violation of subsidiarity, in which case the Commission would have to prove that the subsidiarity principle is being upheld. The subsidiarity network will also be used to assist in the early warning system (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005).

Hence, the subsidiary unit is not only concerned with the immediate response to the subsidiarity monitoring, but it also concerns more effective functioning of the CoR through building closer relations with the Commission and an extra check on their acts to ensure fulfilment of the EU principles. As mentioned earlier in the chapter, the early warning system allows the monitoring of subsidiarity through national parliaments or the CoR, which makes the EU institutions legally accountable and give the ECJ power to enforce its effective functioning. Therefore, the early warning system would actually give the CoR power to uphold its perspectives, as already discussed.

A representative from the Scottish regional office in Brussels confirmed the existence and importance of the subsidiarity network and also mentioned the Scottish contribution, the “subrosa group.” The subrosa group is an informal forum for any academics, individuals, politicians, representatives, or any one else who would like to attend at the Scottish EU office (Rond Point Schumann) (Interview, Scottish Regional Office, Brussels, 2007). A CoR respondent addressed the salience of the group and their meetings in promoting open dialogue.

In their meetings, they address specific topics, such as subsidiarity, and an academic compiles the expressed ideas and opinions, and then produces a text incorporating them. The group allows various officials and administrators to learn and to improve their analytical capacities on the issues of governmental regulation and subsidiarity. It is both a positive contribution to the debate on subsidiarity, and, a proactive move to conform with the draft constitution (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005).

Before continuing a discussion of the other interregional organisations a few critiques about the CoR will be presented because they are indications of the RLCs’ disillusionment therein. Several interviewees critiqued the effectiveness of the CoR and its opinions. An EU law expert from the University of the Basque Country (UPV) argued that the CoR does not function effectively because it does not have political power (Interview, University of the Basque Country, San Sebastian, 2007). Another CoR representative stated that the principal problems with the CoR are poor quality and unclear representation. Hence, actors search other channels to represent themselves or to be represented, i.e. Regleg, through their central state governments, etc (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005).

A Commission civil servant from DG Regional Policy stated that the CoR opinions tend to be both low quality and lacking in accountability (Interview, Commission - DG Regional Policy, Brussels, 2008). The primary critiques appear to be based in the merit of their opinions. They are non-binding on the other EU institutions, and both the CoR and the Commission interviewee alleged them to be deficient in the clarity of their goals. Two interviewees, one from the CoR and another from the Commission, criticised the CoR opinions due to their lack of a clear strategy, are overtly general, and often do not explicitly state ‘what part’ the CoR members want added to a particular directive they are commenting on.

As they currently stand, they are low quality in that they lack a coherent political stance; they are dependent on the *rapporteur*. The CoR opinions are not useful for other institutions, and the institutions admit that fact. Opinions need to offer concrete ideas, in support or opposition to EU legislation, rather than rhetoric for the EU institutions to use them effectively.¹¹

¹¹ Interviews: CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005; Commission - DG Regional Policy, Brussels, 2008

As a side note to the negative views concerning the CoR opinions for their lack of coherency, the interviewees revealed the value of the *rapporteur* - as argued earlier - is an essential consideration that affects the final outcome of the opinions.

IV. Calre and Regional Parliaments with Legislative Competencies

The next sections outline Calre, Regleg, the AER, and several other interregional organisations with the intention of further illustrating the various networks and informal channels to the EU decision and policymaking process. Thereafter, I will analyse a few smaller scale IROs in which the Basque efforts are focused. The primary purpose of introducing numerous interregional organisations and the representational avenues between them is to provide evidence to support the lobbying maximisation hypothesis, which asserts that regions are attempting to influence the EU policy and decision-making process through all means possible. It is possible to support the hypothesis if we can observe a number of interregional organisations and connections between them that the RLC relies upon to influence EU policy.

The Oviedo declaration in 1997 marked the beginning of the Conference of European Regional Legislative Assemblies (Calre), which delineated its objectives, functions, and principles. Calre is an interregional organisation composed of regional parliaments with legislative competencies, and it provides a forum and lobbying group whereby regional EU parliamentary assemblies meet to discuss and coordinate their interests. Its advantage is that it is constituted of RLCs with power to provide expertise to influence EU policymaking. These are regions with competencies and infrastructure that, for instance, besides the Basque Country and Catalonia, the other Spanish Autonomous Communities do not have.

A respondent from the Basque Parliament in charge of relations with the IROs indicated its disadvantage in that, by its nature, it is an exclusionary organisation because not all countries are involved, as they are internally centralised and do not have institutionalised regional representation (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Hence, there is an internal debate in Calre about opening its membership or creating a second chamber to give special treatment to regions without legislative power. During its 10th plenary session (30-31 October 2006 in Venice, Italy) one of the debates revolved around the membership of regions without legislative competencies, but as the Basque Calre representative noted, Calre's power and ability to influence EU decision and policymaking lies in the hands of

the RLCs, and it would lose it by opening membership to regions without legislative competencies. The presidency of Calre agreed that it must proactively provide the Commission and the CoR with regional expertise (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Therefore, it is an important organisation for certain powerful assemblies where they feel that they are on a level playing field with other regional policy players.

Calre has seventy-four member regions. The Basque Calre representative highlighted the particularly active regions including those from: Spain, Portugal, Italy, Scotland, Wales, Northern Ireland, Germany, and Austria (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Out of the Portuguese, Finnish, British, and Spanish regions in Calre, the official from Calre stated the most active regions with established relations are: the Açores and Madeira in Portugal), the Ålands in Finland, Wales and Scotland in Britain, and Catalonia and the Basque Country in Spain (Interview, Calre former official, Brussels, 2007). There are all historically regions with a degree of self government and have parliaments with special rights. An interviewee responsible for EU affairs and interregional associations for the Basque Parliament illustrated that the German and Austrian regions have a lot of influence, but contrary to Catalonia and the Basque Country, they along with other regions do not want Calre's image limited to only regions with legislative competencies (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). They maybe do not want to limit its membership making it an exclusive organisation, and consequently, giving it less respect in EU circles due to its elitism or segregation. The Calre-chairman Ovidio Sánchez Díaz in 1998 outlined the Calre's aims as follows:

- 1) democratic control of EU government originates within the regions, thus, a democratic deficit affecting these regions must be avoided and the subsidiarity principle protected
- 2) stimulate parliamentary control in European Affairs, empowering the most competent parliamentary committees.
- 3) create information-exchange, between Calre-members, the national parliaments, and the European Parliament
- 4) be the voice of "regional parliamentarism in Europe." (Calre 2006)

The mission statement makes it clear that the organisation focuses on parliamentary entities, rather than governments, which is notable because certain IROs may be more attractive to certain RLCs depending on what they seek to achieve. It may be that specific IROs are focused on identifiable policy areas. In this light, it would make sense that it focuses its attention on the European Parliament. The statement also highlights the importance of information exchange, which was considered an important goal amongst Brussels interviewees.

IV. 1. Calre and Actual Influence on EU Institutions

The following paragraphs provide proof of Calre's attempts to influence the EU policy and decision-making process through various meetings and declarations. It promotes relations with national parliaments and the European Parliament. A former official from Calre indicated that it is involved in a committee within the European Parliament.

The presidents of regional parliaments participated in the Committee of Regional Affairs in the European Parliament and the committee agreed with the opinion to the 'Bureau of Presidents' that has a special relation to 'the Committee for Institutional Affairs or Constitutional' and the 'Committee for Regional Affairs' to the regional parliaments. Over the past two years there has been a wide range of correspondence between the presidents of the parliaments of Calabria and Catalonia concerning the procedure for choosing the President of the Committee for Regional Affairs of the European Parliament (Interview, Calre former official, Brussels, 2007).

Thus, the respondent reveals that there is a certain degree of interaction between Calre and the European Parliament. Calre also takes part in the committee of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), which was established through the Treaty of Amsterdam (1997). Josep Borrell, the former president of the European Parliament (2004-2007) demonstrated an impetus to acknowledge regional assemblies. He met the main presidents from the regional assemblies in 2006 and the standing committee of Calre in September 2005. The meeting demonstrates additional contact between Calre and the European Parliament.

Calre also had some bearing on the promotion of the early warning system. Their Declaration of Berlin (2007) positively notes the promotion of regional parliaments with legislative competencies and their participation in the early warning system. During Calre's seminar in Barcelona on 9 June 2005, the Basque Parliament held the Calre presidency, and the Calre interviewee addresses both their and Catalonia's positive contribution to discussion and debate on the early warning system.

the new Constitutional Treaty [later the Treaty of Lisbon], establishes an early warning system for the national parliaments, with the participation of regional parliaments. So there are two ways of the early warning system... One is the CoR, but then there's the participation of the national parliaments... Calre organised a seminar of this aspect in Barcelona in 9th June 2005, you can see the result in the Basque Presidency inside the Calre and see Catalonia and you will see the result adopted. The point now is that national parliaments are now opening a dialogue with regional parliaments, at least to inform them about new directives, this informational system is already established in Belgium, in Italy, and in Austria. It has not been established in Germany where the influence is through the Bundestag. In Spain they have not yet established the response system yet there are just two regional assemblies in Portugal, one in Sweden and in

Finland, the Ålands, two in Great Britain that are Wales and Scotland, which have established relations with Calre (Interview, Calre former official, Brussels, 2007).

The interview reveals the two ways that the early warning system can react to breaches of subsidiarity, through the CoR or the parliaments. It is interesting that he points out the role of Calre, the Basque presidency along with Catalonia in promoting the system, which demonstrates their salience in the issue. Hence, it demonstrates a representational link between the two IROs, Calre and the CoR. Calre has made noteworthy contributions to the debate and establishment of the early warning system because it empowers the national parliaments and the parliaments with legislative competencies through the CoR. It is true that the protocol on subsidiarity specifies 'national parliaments,' thus, it only indirectly empowers regional parliaments. However, the CoR has made headway in setting up a subsidiarity network and making clear its intention to involve regional parliaments (CoR 2004b).

IV. 2. Calre and its Impact on the EU level

The Declaration of Arnhem (2004) demonstrates a move by the regional legislative assemblies to cooperate and gain visibility in EU policy and decision-making. Presidents and vice presidents of European assemblies approved the Arnhem Declaration, which is also called the Charta of European Regions (9 July 2004). It is significant because it recognises the role of European regional legislative houses for European integration and for democracy on the basis that they are institutions that are close to the citizens (Calre 2008). The presidents of 197 European regional parliaments confirmed their agreement with the Declaration during their meetings in Florence, Italy (19 September 2003) and in Arnhem, Holland (9 July 2004) (Calre 2004). The Declaration proposes a bottom-up construction of Europe giving a clear role to regional democracy and transborder, interregional, and transnational cooperation between the member states (Europa Press 2004b). Additionally, the Declaration emphasises the role of the regions in EU decision-making (Calre 2004: 1). It also focuses on promoting relations amongst the Commission, the CoR, the Council of Europe and its regional counterpart Congress of Local and Regional Authorities (CLRAE) (Calre 2004: 2). Therefore, the declaration also demonstrates Calre's emphasis in promoting coordination amongst the IROs.

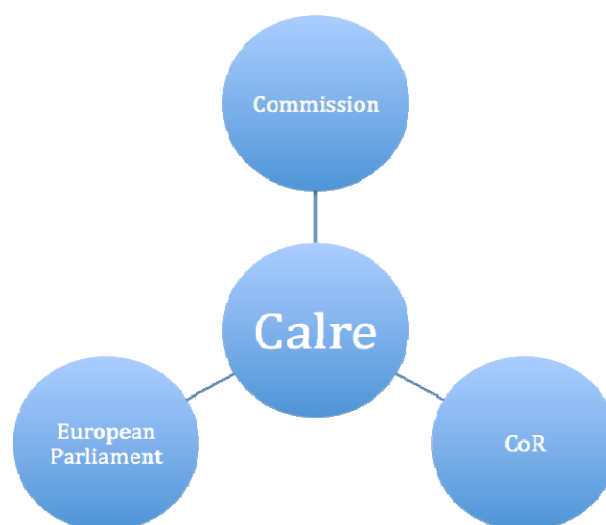
The following paragraphs provide proof of Calre's dialogue with the EU institutions, including the Commission, the CoR, and the European Parliament, which demonstrates its reliance on informal networks. Calre is working on many policy areas ultimately decided by Reper in Brussels. It is an important inter-parliamentary organisation because the European Council

initially had sole possession of competencies, and through Calre the regional parliaments can have exerted some degree of influence on the EU policy and decision-making process. The Basque Parliament interviewee asserted that the greatest potential for the RLCs and Calre rests with the Commission whereby Calre has a network of constant and permanent communication within the EU policy and decision-making process. It is involved in the Commission's working groups, and it must also strive to reach member states (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). The interviewee's comments expose Calre's involvement with the Commission and its wide-ranging communication network that it relies on to influence EU policy. Calre was able to give the example of an instance of direct EU interaction, which demonstrates Calre's actual impact on the policy process due to pressure.

Calre had written correspondence with two EU commissioners on two specific occasions, which provides evidence of informal contacts and Calre's active interaction with the Commission through these informal representation channels. Calre engages in dialogue with different Commissioners, and they, in turn, exchange letters and proposals on different issues with the Commission. Calre holds regular dialogue with the CoR. According to a Calre official, the regional parliaments also have direct dialogue with the Commission (Interview, Calre former official, Brussels, 2007). The interviewee highlighted the importance of the Structured Dialogue Meeting (Brussels 29 November 2007) as an exemplary informal contact. He asserted that the meeting had the goal of studying Calre proposals including: regional taxation, subsidiarity, and the monitoring procedure for Commission budgets and legislative calendar (Interview, Calre former official, Brussels, 2007). Commissioner Wallström headed the meeting and Izaskun Bilbao, Calre's president (and Basque Parliament president), posed questions concerning the three previously mentioned policy issues and the implementation of the Calre's agreement from its plenary session in Berlin (Calre 2005). Calre also collaborated with both the European Parliament through various interventions.

As the previous paragraphs have argued, Calre has dialogue with the EU institutions, therein the majority of the evidence lies amongst the three in the following diagram, as interview testimonies have demonstrated. The relationships are also reciprocal whereby the institutions may ask for information, attend conferences and the Calre actively participates in EU institutional level meetings. The diagram below outlines this four-part relationship between Calre in the middle, and the Commission, CoR, and the European Parliament in the radials.

Figure 4.1. Calre's Informal Representation Channels



The hearing at the Committee for Constitutional Affairs of the European Parliament, in Brussels on 24 November 2004 (Calre 2004b) provides further evidence of collaboration between the European Parliament, Calre, and the CoR. Both the president of Calre and the Generalitat of Catalunya (Ernest Benach) participated in the hearing. The EU constitutional treaty and the MEPs', Ignacio Mendez de Vigo and Richard Corbett's, draft report was the principal concern of the hearing. It was organised by the European Parliament with other associations of regional and local authorities, obviously including Calre. Benach held additional meetings with Jo Leinen (the President of the Committee) and with the president of the Committee for regional polices, Gerardo Gaelote Quecedo (Calre 2004b).

During the same meeting in Brussels, Calre and the CoR jointly signed the Action Plan 2008-2009 (Calre 2005). Calre's Secretary General, Gerhard Stahl, signed the Plan with the CoR with the aim of increasing cooperation with the CoR through the creation of common structural activities. In the declaration the CoR highlighted the invaluableness of the regional assemblies, which are the political level closest to the citizen. They concluded that they are henceforth a reference for information on European public opinion. For the same reason Calre's declarations have continuously asked for the CoR to improve both the application and the control of subsidiarity as a crucial EU principle. The Calre-CoR Action Plan endeavours to increase the influence of the regional legislative assemblies in the EU decision-making processes and intensify its collaboration with the CoR in numerous policy areas, including, cooperation and coordination in order to:

- control the application of the principles of subsidiarity and proportionality embodied in the Protocol of the Amsterdam Treaty

- consolidate regional democracy and improve communication, outlined in Plan D
- develop projects on certain policy areas, namely the European budget, the Charter for Regional Democracy or subsidiarity, and monitoring them through their respective rapporteurs.
- organise formal meetings or “Structured Dialogue sessions with EU commissioners for proposed issues concerning Policy and Legislation” (Calre 2005)

Calre also reported the positive results of another hearing (3 March 2005) involving members of the RLC assemblies, the CoR (Committee for Constitutional Affairs and the Governance), the president of the European Parliament’s Committee of Constitutional Affairs, Jo Leinen, and numerous other CoR members and MEPs (Calre 2005). The discussion during the hearing was prompted by the precursory debate headed by Luc Den Brande and the Peter Straub’s draft report on subsidiarity, which demonstrate the CoR’s will to give a greater role to regional parliaments.¹² The primary issues of the debate were the new Constitutional treaty and its effect on subsidiarity. In addition to Calre, the CoR, and the European Parliament twenty presidents of regional assemblies participated in the debate.¹³ The previous diagram (*Figure 4.1*) demonstrated Calre’s links with the EU, including the European Parliament, the Commission, and the CoR. The diagram below illustrates the informal ties between Calre and several IROs.

In addition to its accord with CoR, Calre has recently engaged in agreements with other IROs, namely, the Council of European Municipalities and Regions (CEMR), the Conference of Peripheral Maritime Regions (CPMR), Regleg¹⁴, EUROCITIES, the Assembly of European Regions (AER), the Association of European Border Regions (AEBR), Arco Latino and national associations such as the Union of Cyprus Municipalities (Calre 2005).

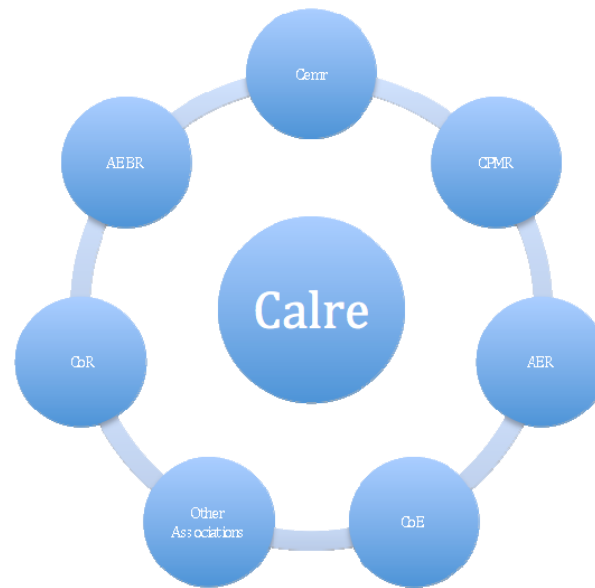
¹² a) “The role of regional parliaments in the democratic life of the Union” Luc Van Den Brande, which is a working document (Prague, 21 September 2004)

b) “The application and monitoring of the principles of subsidiarity and proportionality” Peter Straub, which is also a working document (Prague, 21 September 2004)

¹³ The Calre website mentions the following nine participants: 1) Ernest Benach (President of Calre and of the Parliament of Catalonia), 2) Johann Holztrattner (Salzburg), 3) Jean-François Istasse (Communauté française de Belgique), 4) José Manuel Fernández Santiago (Castilla y León), 5) Giacomo Spissu (Sardegna), 6) Gebhard Halder (Vorarlberg), 7) Louis Siquet (Deutschsprachige Gemeinschaft), 8) Alessandro Tesini (Friuli Venezia Giulia), 9) Fernando López Carrasco (Castilla - La Mancha).

¹⁴ “the Conference of (Presidents of) European Regions with Legislative Power (Regleg)”

Figure 4.2. Informal Ties between Calre and Other IROs



V. Conference of Regions with Legislative Power (Regleg)

The previous paragraphs have just described Calre as an influential IRO whose membership consists of powerful RLCs with far-reaching contact, and then, they evaluated several of the most salient organisations in its network. The ensuing section will discuss Regleg, which is also an instrumental IRO in that it is able to exert pressure on EU policy, but while Calre is a concentrated grouping of parliaments with legislative power, Regleg is comprised of regional governments of those regions with executive and legislative power. Thirty-six EU RLCs comprise the Regleg network, which are governmental representatives between the central state and the local level of administration. In terms of membership, eight of the EU's twenty-seven member states have legislative regions. According to a Regleg interviewee:

There are eight out of twenty-seven, that is in itself an interesting political conundrum for the legislative regions because it used to be eight out of sixteen, but as the EU got bigger, the number of legislative regions [...] stayed the same and all the eastern European member states don't have any [...] maybe that's partly to do with the Communist era when decentralisation was not really a feature of the Communist command structure. So, there's not much support and alliance for us in Eastern Europe so that's been a bit of a political issue for us in how we can try and reach out and extend this to other parts of the EU, rather than be a shrinking part of the standing Union (Interview, Regleg Official, Brussels, 2007)

Hence, it may be that organisations that group legislative regions are losing importance in the EU. The dissertation would argue that for this reason they must join forces and work together in coalitions with other regions in order to have an impact. Considering the changing situation, the idea of "the region" is an exceedingly variable concept. Germany, Austria, and Belgium have a

constitutional federal structure in which regions have power, and the UK, Scotland and Wales have devolved centralised administrations. A Basque government representative for EU relations stated that, although Regleg has less enthusiasm than six years ago, it is still the most important interregional organisation at both a constitutional and political level, and it is the most adequate forum for RLCs (Interview, Basque Government - EU Affairs, Bilbao, 2006). It is notable that he is a government representative and a parliamentary representation would have opted for Calre, as the interviews indicated.

Regleg convenes its annual conference with the presidents of its member regions in October. The rest of Regleg's work is done throughout the year through coordination amongst its member regions. Regleg has several committees, each have about twenty members. According to the Regleg interviewee, the committee meetings are an opportunity to share information processes in the various member states and organise numerous conferences to discuss policy issues. He reveals that the tangible product of Regleg's work is a political declaration focused on the European-wide debate, which is approved at the annual conference. Regleg had a dominant interest in the EU Constitution and an active role in the debate preceding it (Interview, Regleg Official, Brussels, 2007). He demonstrated the importance of sharing information and their annual political declaration, which he considers to be useful or positively regarded in the EU debate. The respondent reflected on the political weight of the member regions and his conception of the wider EU integration process.

we are governments, we also have responsibility for implementing European level legislation inside our own regions or inside our own countries. And so the agenda of Regleg is to really try to win some form of approach of recognition at the European level [...] if you want the EU to really take root in the hearts and minds of the European people, you have to make space for the regional tier of government in the European decision making process and opening up the way to allow us to exert some influence (Interview, Regleg Official, Brussels, 2007)

The Regleg official calls for a more influential role for the RLC, but does not appear to be stating that the process is facilitating the representation of the regional governance tier. Rather, he is outlining Regleg's objective to intensify the role of the regions with legislative competencies in the EU. Their goals include a heightened legal and political status in the executive, judicial, and legislative areas of EU governance within reference to their own competencies (Regleg 2006). Regleg also advocates an increased regional role in the Council and giving the regional assemblies the power to bring a case before the ECJ to "preserve their prerogatives", which is attained through the early warning system (Regleg 2006), which was discussed earlier in this

chapter as a goal of Calre. Therefore, Regleg also supports some Calre initiatives and are in a cooperative network vis-à-vis the EU institutions.

V. 1. Actual Regleg Influence on EU Policy

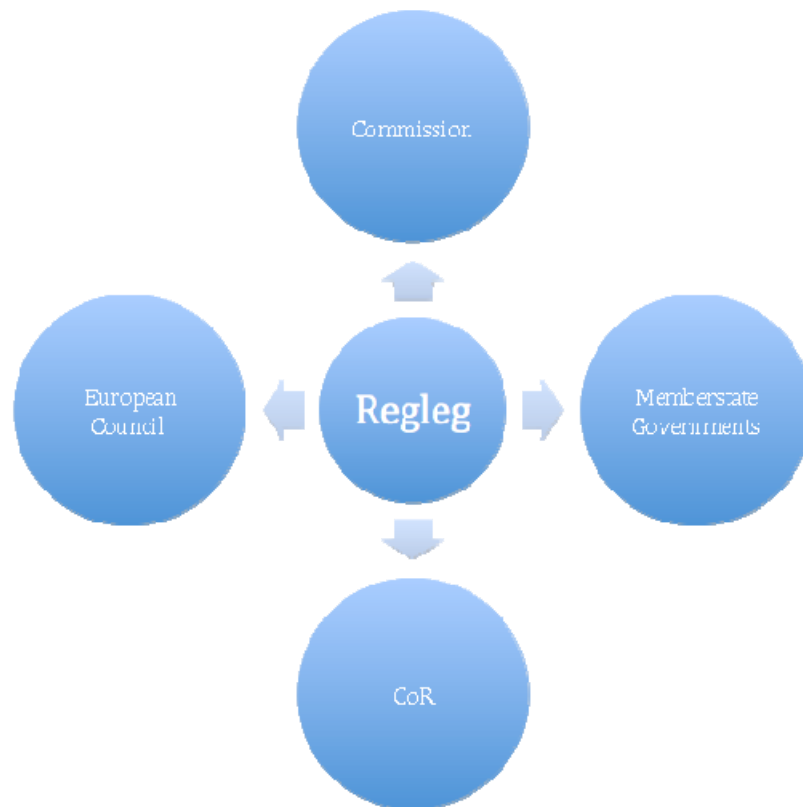
Regleg participated in the convention and the debate on the future of Europe around the time of its founding (2000-2001). The Laeken Declaration (2001) was a precursor to the discussion on the future of Europe, whose agenda lasted about four or five years before the French and Dutch voted 'no' to the EU draft constitution (2005). The European constitutional treaty gave a formal recognition to legislative regions. A former General Secretary of Regleg revealed that Regleg regularly uses its informal contacts to lobby the EU.

Regleg lobbies the European Council, the European Commission, and the CoR through its annual declaration. Members of the EU institutions are invited to its annual conference. Regleg has regular dialogue with the CoR, but does not heavily lobby the CoR because the latter does not have decision-making power. Regleg mainly concentrates on lobbying the Commission because informal representational channels have proved to be an effective way to influence the policy / decision-making process. Regleg also lobbies member state governments (Interview, Regleg Official, Brussels, 2007).

Although the interviewee avoids specifics he does outline Regleg's cross-institutional lobbying power and it must have a large range of contacts and personal devoted to the cause.

Before generally identifying subject areas in which Regleg interacts, I present the following diagram that demonstrates the primary institutions whereby the Regleg exerts pressure in an attempt to influence policy. Regleg is in the centre because it is the main focus of the diagram with the Commission, member state governments, the CoR and the European Council emanating from the radials.

Figure 4.3. Regleg's Informal Lobbying Channels



According to the Regleg official, generally, Regleg engages in EU issues in broad subject areas concerning democratic participation, better consultation, better regulation, less regulation (less red tape), federalisation, and the establishment of a system in which RLCs have competence in the European Court of Justice, i.e. the early warning system (Interview, Regleg Official, Brussels, 2007). When asked about the actual impact of Regleg on the EU policy and decision-making process, the respondent from Regleg answered disclosing that Regleg deals with large range issues, which is largely due to the diverse nature of its regions and the difficulty in forming a unanimous position.

there are two elements to answering that question, the first one is that the Regleg only limits itself to discussing constitutional and governmental issues. It tends not to go into policy specific issues because the consensus that brings all the different regional presidents together in the first place is their common interest in the constitutional arrangements of the EU. We've tried one or twice to try and reach out past the constitutional issues to more direct policy related issues, and what we've found is that the consensus breaks down, very, very quickly when we tried to do that because Regleg is a very arbitrary and random grouping, and there is no particular reason why that selection of regions should have a common policy on anchovies or fishing policy, in general, or environmental policy. For example, I think it's perfectly possible that Spanish regions... Atlantic facing Spanish regions will have a policy approach to European fishing industries, which will be very much evolved to the approach taken by the UK, by Welsh and Scottish regions; for example, I'm not saying that is the case. That's why we're not evolving in specific policy areas (Interview, Regleg Official, Brussels, 2007).

The interviewee makes several notable comments in his evaluation. He does not exaggerate Regleg's role and clearly reflects on its lack of influential contributions to EU policy decision-making in concrete areas because it is difficult to form a consensus among regions. He points to fisheries - anchovy fisheries in particular - as an area of concern, which therefore, is worth coverage in the following policy specific chapter (chapter five) with regards to the Basque Country. Regardless of the respondent's lack of specific evidence of particular policy areas that Regleg was able to influence, he pinpoints specific Regleg pressure on elements of the constitutional treaty - still a relevant features in the Treaty of Lisbon - that is the focus on legislative regions and the protocol on subsidiarity. He states that:

within its broad constitutional issue base that a concrete Regleg contribution was the words "regional governments" [...] in the constitutional treaty that's the first time that has happened. The words legislative regions have never appeared in any treaty of the EU [...] the other really concrete part of the European Treaty for us was the protocol with the mechanism for monitoring subsidiarity and that is a very concrete step forward for regions (Interview, Regleg Official, Brussels, 2007)

The interviewee's last commentary is quite notable in that Regleg was able to influence EU policy with respect to the EU draft constitution whose protocol on subsidiarity and regional recognition was incorporated into the Treaty of Lisbon. Therefore, both Calre and Regleg were able to have an impact on the drafting of the treaty. After having discussed Calre and Regleg, the subsequent section will explore the Assembly of European Regions (AER).

VI. Assembly of European Regions (AER)

To demonstrate the AER interviewee's experience with regional affairs whose views are expressed in this section, she worked for the English county of Essex, was head of the Brussels AER office, and advisor to the institutional affairs committee (Interview, AER - Institutional Affairs, Brussels 2005). The AER is an umbrella organisation that also integrates the interests of other IRO. Hence, it forms part of an extensive network with other associations. Since 2004 its membership increased from 250 to 260 member regions out of thirty-three European countries. Thus, it has many more member regions than Calre and Regleg. Its membership includes states from outside the EU,¹⁵ such as: Albania, Bosnia, Croatia, Georgia, Moldova, Serbia, and the

15 The member states include: Bulgaria, Belgium, Bosnia I Hercegovina, the Czech Republic, Cyprus, Germany, Greece, Spain France, Croatia, Ireland, Italy, Lithuania, Hungary, Moldova, the Netherlands, Norway, Austria, Poland, Portugal, Romania, Russia, Switzerland, Georgia, Albania, Serbia, Slovakia, Finland, Sweden, Turkey, Ukraine, and the United Kingdom.

Ukraine. In addition to regions, AER members include ten geographical interregional organisations.¹⁶

One major difference between Regleg and Calre is the types of regions within these organisations. The interviewee from the AER explained the dynamics of its member regions.

They form an administrative or governmental level below the nation-state, and its members are a mix between legislative regions and other administrative regions without any power at all. The membership criterion sometimes poses problems because, for example, some English counties do not want regions with special powers to be developed in the UK, i.e. South East or North West of England (NB: I am not referring to historic regions, such as Wales, or even, Cornwall). There is even the extreme case of Vojvodina, Serbia whereby the central-state does not recognise its autonomy (Interview, AER - Institutional Affairs, Brussels 2005).

The AER official clearly demarcates the differences in competencies amongst the member regions. She almost displays contempt for the regions without any power that in some ways inhibit the other RLCs. To support this line of reasoning she states that originally, concerning its institutional structure, the AER contemplated creating a separate chamber for legislative regions. Nevertheless, the AER considered that this might lead to elitism or a plethora of disparate political agendas (Interview, AER - Institutional Affairs, Brussels 2005). She gives an interesting evaluation of the option to separate the organisation regarding elitism, but the other side of the coin is that collaboration amongst elitist regions can also lead to a high level of expertise propelling the IRO, such as the case with those IROs admitting only RLCs (e.g. Calre or Regleg). She notes that the most active regions tend to be from western states: Baden-Württemberg, Friuli Venezia Giulia, Noord-Brabant in Holland (Interview, AER - Institutional Affairs, Brussels 2005). Even though some of the states that she mentions are not RLCs, they are important industrial centres, which points to the aforementioned hypothesis that economically strong regions have greater possibilities of promoting their interests due to financial resources and personnel to lobby and exchange information to be informed on current policy. Her last statement relates also to what the Regleg interviewee observed regarding the concentration of the territorial division of regions in the west unlike the ex-Soviet centralised

16 1) Association of European Border Regions (AEBR), 2) Working Community of the Adriatic Alps (ALPEN ADRIA), 3) Working Community of the Western Alps (COTRAO), 4) Working Community of the Danube countries (ARGE DONAULÄNDER), 5) Working Community of the Pyrenees (CTP), 6) Working Community of the Alps (ARGE ALP), 7) Jura Working Community (CTJ), 8) Working Community Galice - North Portugal, 9) Working Community of the Lower and Middle Adriatic, and, 10) the Baltic Sea States Subregional Cooperation (BSSSC). The AER has further reaching contacts to include three sectorial interregional organisations, including: the Association of European Wine-Producing Regions (AREV), Assembly of European Fruit and Vegetable Growing and Horticultural Regions (AREFLH), and Association of Local Democracy Agencies (ALDA). In 2004, the Association of European Regions with Industrial Technology (RETI) was also a member of the AER, but has since repealed its membership.

structures in the east, especially due to the fact that AER has a wide-ranging membership composition that includes ex-USSR states, such as Georgia and the Ukraine.

In describing how the AER functions or its primary means of influencing policy the interviewee pointed to the fact that it is a body to coordinate issues that affect regions rather than promoting its own ideals. The AER respondent stated that

it coordinates expertise, as opposed to dictating to its members on specific issues. The regions consult the AER when something concerns them, which many times are of national context, rather than in an EU context, i.e. the regions need assistance in reaching their national government on a certain issues. Therefore, the AER normally has a greater impact lobbying at the EU, rather than the national level, but the AER did attempt to lobby at the national-level concerning the EU Constitution. The AER advocates the recognition of subsidiarity and the importance of regions therein. An aim of AER concerning the 'early warning system' was to give the regions, through their CoR representative, a direct channel to national parliaments to become more involved in the policy-making process through an information exchange network. Interregional cooperation is an essential force for European integration through the exchange of ideas and experience between the regions to encourage understanding and promote networking channels to influence the policy and decision-making process (Interview, AER - Institutional Affairs, Brussels 2005).

In the previous citation the AER interviewee reflected on the policy areas that the organisation is involved in at the EU level, focusing on the early warning system. She also makes the important point - as the prior interviews - regarding the importance of information dissemination as an instrumental regional activity at the EU level. The respondent described the objectives of the AER, and identified their primary policy areas of focus, including: common commercial policy, decentralisation, demographic issues (ageing society), democratic participation, education and youth issues, healthcare, minority cultures, the Lisbon agenda¹⁷ (regions as motors for economic growth and development), regional policy and development (e.g. structural funds), social affairs (e.g. social security payments), and subsidiarity, transport, and environment. There are four main areas or committees of the AER and the association has a secretariat of sixteen people. The list of policy areas encompasses most of the primary policy areas that affect regions economically, especially since she mentions the Lisbon agenda. The other focus would be cultural issues, which she also expresses. She continued highlighting some primary concentration areas of the AER of its various committees.

The first committee focuses on the ways in which the regions can be part of the policy process through the EU institutions. The AER analyses how to enable the regionalisation process in Europe. Common commercial policy is a great concern because the Commission can negotiate on behalf of member states in international trade policy (Interview, AER - Institutional Affairs, Brussels 2005)

¹⁷ Lisbon European Council on 24 March 2000; also referred to as: "Lisbon targets" "Lisbon goals". Basically to improve the EU competitiveness as a global player.

Thus, according to the AER interviewee, international trade policy represents a policy area, like agriculture and fisheries, in which the Commission attained a large degree of competence. Coincidentally, the latter two are both salient policy areas for the Basque Country, and they all represent policy areas that fuel the economy, or are culturally enshrined areas, such as fisheries, especially in the case of Euskadi where fisheries is not so much an economically salient activity, but rather a cultural one. Interestingly enough, the AER representative also advocates giving the regions decision-making power in member states in terms of culture (Interview, AER - Institutional Affairs, Brussels 2005). Hence, cultural issues may also be an important focus of the Basque institutions, which will be analysed in chapter five.

Contrary to her earlier rejection, the organisation is getting involved in state issues, the interviewee reveals that the AER acts between regions and the EU, but also, between regions and nation-states.

The nation-states have to draw up action plans to prepare for the Lisbon agenda, thus, the AER wants to put pressure on the states to make sure regions are involved in that process. The AER works in a proactive way to promote minority cultures within regions, but does not deal with nationalist groups, separatist issues, nor favour certain regions, because the AER must be inclusive of its member states and regions, and not exclusionary, i.e. promoting one over another. Rather, it assists regions in exchanging experiences to assist them in putting pressure on national governments to grant more powers to regions. The AER considers the regions as a pillar for democracy because they are closest to the citizens. It upholds their participation both within state institutions and in the EU decision-making process (Interview, AER - Institutional Affairs, Brussels 2005)

The AER interviewee identified the range of organisations that it relies on as representational avenues to promote particular policies. The AER channels policy through the Council of Europe (CoE) and also the World Trade Organization (WTO). Her other contacts were: the Conference on Peripheral Maritime Regions (CPMR), the European Economic and Social Committee (EESC), the interviewee from Calre,¹⁸ the Council of European Municipalities and Regions (CEMR),¹⁹ and the CoR representative interviewed²⁰ (Interview, AER - Institutional Affairs, Brussels 2005). The fact that the AER respondent works closely with the same CoR representative as I interviewed represents a “strong tie” - as discussed in the methodology chapter - because both reported to have collaborated with one another. According to the AER official, most of the IROs are based in Brussels or at least have offices there, and thus, they regularly communicate and share expertise and common interests (Interview, AER - Institutional Affairs, Brussels 2005). The AER official’s first contacts are more international organisations

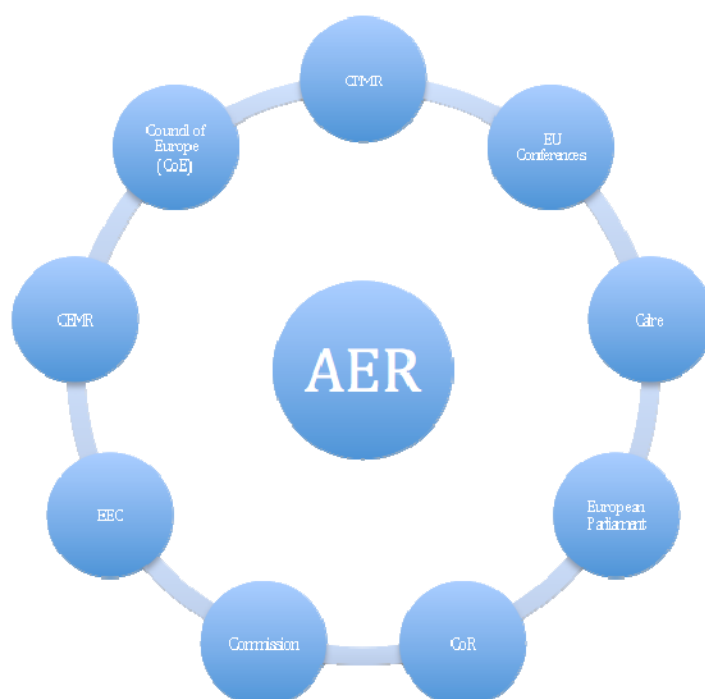
¹⁸ Interviewee: Calre former official, Brussels, 2007

¹⁹ website available at: http://www.ccre.org/news_en.htm?page=13 (assessed on 31 May 2005)

²⁰ Interviewee: CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005

than EU (WTO and CoE), but they do still pressure the EU. More directly linked with the EU, she revealed connections with the CPMR and the EESC, which both have close relations with the Commission, one as an expert body and the other being an organisation that is part of the EU much like the CoR, which is also noted as a contact. Thus, the following diagram describes the channels of information exchange at the AER's disposal through its series of contacts. It is essential to note that not all of these organisations represent effective means to influence policy. Supporting this fact, the AER interviewee does state that: the AER needs to have much more sustained and specific lobbying efforts because at the moment it is working on an excessively wide range of issues. Two interviewees, one from the Delegation of Euskadi, and another from the Basque Government mentioned its lack of concentration as a factor causing their disenchantment with the AER. Hence, it may be that in the AER's efforts to maximise its lobbying to every possible channel, it found itself lost because it was an excessively extended and consequently could not have an impact on concrete areas.

Figure 4.4. The AER's Network of Contacts and Associations



Although it is unclear how effective the channels are between the AER and each of the above nine organisations, the diagram does indicate the immense network amongst them. The RLCs take advantage of these existing representational channels to have an affect on EU policy.

VI. 1. AER Impact on EU policy and decision-making

The AER interviewee reflects on the receptiveness of the EU institutions. Therein, the respondent demonstrates the AER's relentless lobbying bombardment on the EU institutions,

which is representative of the lobbying maximisation hypothesis. She reiterates the aforementioned fact that personal contacts and informal meetings are essential means to gain influence.

we try to use as many routes of access as possible, we try to work very much with the European Parliament. We have quite a few old members of AER who are now Europarliamentarians, so we do use them as an informal channel to get access, but then we will also organise various events that we'll hold during the parliamentary sessions inviting MEPs to formulate common policy positions on the areas that we're working on and ensure that they are fed into the Parliamentary policy-making process, we also advise *rapporteurs* in CoR. They also ask for our expertise, so we'll sit down with the *rapporteurs* and provide them with our position. With the Commission, we try to work as close as possible in the decision-making process to try to get our ideas in when reports are being drafted. With the Council it is the most difficult, we haven't really had any influence in the Council being we are an interregional and international organisation it is very hard to get our voices heard in the Council. The Parliament, it's the easiest channel of access. To influence it is possible to speak to those Commission officials involved in preparing a report at the beginning and making sure that your ideas are in there. Nonetheless, the European Parliament is more receptive and more interested in our ideas, so there you can actually influence what's in one of the parliamentary reports, and then whether or not that ends up in the final document is another matter. We need to get our opinion in the Council, but I think that's where we need to have much more sustained lobbying efforts (Interview, AER - Institutional Affairs, Brussels 2005).

The interviewee has a mixed perspective relating to the most effective institutions to lobby in order to influence EU policy. From her statements we can deduce that the European Parliament is the most receptive institutions in terms of interregional organisations, or that the AER has more contacts with the European Parliament than with the other EU institutions. It is also relevant to mention that the headquarters of the AER is in Strasbourg, and several Europarliamentarians are AER members, thus, we can assume that there are reasons for this concentration on the European Parliament or that they have a history of relations. Either way, the respondent's observations provide evidence that informal contact, especially with *rapporteurs*, can be extremely valuable avenues to influence EU policy.

The interviewee refers to formal and informal representational channels. She explains the value of each of them as being an effective means to have an impact. Herein the respondent also outlines what are formal and informal mediums in her perspective. She highlights the importance of presenting a position paper to the EU officials as an effective means to have an impact on policy.

To give an example, we've been working on a new legal instrument for cross border cooperation and the Commission produced a document. The *rapporteur* in the European Parliament was a member of the AER, so he was an important player. He organised large events for us to make sure that the other MEPs in the Committee came to hear what we had to say. And just trying to do that formally and just people without having that

contact with that person it would have been that much more difficult to have an influence, but it's really a mixture of the two. Just talking to people at different Brussels events and making sure that you're networking with the Commission if somebody tells you that actually DG X is about to start work on X, this that and the other, you can really make sure that you're in there and making a difference in what they're doing (Interview, AER - Institutional Affairs, Brussels 2005).

The previous citation is notable in that the AER official divulges specific manners to have an impact on EU policy, which consists of a *mélange* of formal and informal attempts, but also she reiterates the essentialness of contacts and being informed on where and what policies are being discussed.

As aforementioned in the thesis, it is challenging to determine exactly which entities or policy players are responsible for influencing specific policy. Additionally, it is complicated to determine how the EU decision-making process actually functions. Thus, it is difficult to prove that there was an impact on the final policy outcome. Nonetheless, the AER interviewee addressed moments when there was an assumed impact.

In the Constitution, we claim that we changed the common commercial policy with the results of our lobbying. I imagine that there are quite a few other regional associations that would say something very similar. So you can't really evaluate that it is you who did it. You have to put an assertive effort into seeing what other organisations are doing what and seeing that you are the only one that has been involved in therein and basically how the decision-making process actually works. [...] With the legal instrument of the European grouping of cross-border cooperation (EGCC) and it's part of the new structural funds²¹, which was interesting because we made a very concrete suggestion there to the European Parliament (Interview, AER - Institutional Affairs, Brussels 2005).

The interviewee positively addressed the AER's ability to influence EU policy through their contacts with the European Parliament. It is noteworthy that the respondent gave a specific example of their efforts and it was clear that she had basis for her assertions when checking her initial statement with the policy documentation.

VII. Comparing and Contrasting the CoR, Calre, Regleg, and the AER

The ensuing section compares and contrasts the CoR, Calre, Regleg, and the AER to examine their differences. The CoR and the AER are broad-based institutions consisting of regions and local entities, compared for example to Regleg or Calre, which limit their membership to regions

²¹ Brussels, 14.7.2004; COM(2004) 496 final; 2004/0168 (COD) – Proposal for a Regulation of the European Parliament and of the Council, establishing a European grouping of cross-border cooperation (EGCC) “com(2004)496_en.doc” – accessed 31 May 2005.

with legislative power. Instead, Regleg limits its membership to legislative regional governments because they have an important role in domestic decision-making, which differentiates them from local entities that do not have much decision-making power. Regleg is an umbrella organisation for all RLCs and they defend their own interests. On the other hand, the CoR is an EU consultative body, which represents a plethora of regional interests. A CoR respondent acknowledged that the advantage of Regleg was that it is composed of some European political heavyweight regions that have access to policy networks through which they can informally influence EU policy and decision-making. He continued explaining that a region, or a policy player who - is the head of a regional government, a CoR member, and a Regleg member - is thus able to exert pressure at all levels, and is bound to have influence due to his involvement in all three networks that these organisations provide (Interview, CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005). The point coincides with the lobbying maximisation hypothesis whereby regions attempt to acquire influence relying on participation in as many informal associations as possible.

Regleg, AER, and the CoR have primarily regional governmental membership. By contrast, Calre is the only IRO constituted of regional assemblies or parliaments. In comparing Calre with Regleg a respondent from the Basque Parliament explained that it is much more difficult for a parliament to come to an agreement due to its multifarious political party composition, and thus, Calre deals with more neutral issues compared with Regleg (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). As a side note considering the interviewee's appraisal, I revealed that it is difficult to pinpoint influence on EU policy. It is possible that EU officials are more willing to make their meetings with Calre public when the issues are neutral - which may not be the case with politically potent issues - if so, that would explain why there is sparsely documented evidence of influence from particular entities. As discussed, the national governments appoint the CoR members according to their national procedure or territorial composition, which for example, in Spain consists of the head of the regional government and another representative. However, there are not necessarily the same members in CoR as in Regleg, nor do regional governments necessarily have the ultimate choice in their CoR members because the selection depends on national procedure, and the Council sets the number of representatives. Unlike the CoR, in which the central state nominates its members, regional governments have exclusive control over the appointment and election of its representatives in Regleg. Thus, depending on national procedure, there is no set control to ensure that regional governments approve their nominations with regional parliaments.

AER, similar to the CoR, does not have a RLC membership criteria. For example, some French regional councils are members despite not having legislative competencies or executive power because the French administration is extremely centralised. Thus, according to a Basque Europarliamentarian, the Basque Country, for example, primarily engages in information collection through the AER at the EU level. He attributed it to the fact that some AER regions with legislative and / or executive competencies became disillusioned due to its mixed membership (Interview, European Parliament - PNV, Brussels, 2007). However, his observation could reflect the Basque Government's own abandonment of the AER due to a lack of preferential treatment, which the AER mentioned earlier in the chapter. A fundamental difference between the CoR and the AER is that although they are both governmental, as opposed to parliamentary - and consist of both RLCs and local entities - the AER includes both EU and non-EU member regions. As a critique of the AER, a representative stated that one of its problems is a lack of involvement of member regions whereby it has to push to get members involved because it is quite challenging to demonstrate how an EU policy affects them (Interview, AER - Institutional Affairs, Brussels 2005). It is interesting that a AER official is able to criticise its lack of involvement, which may be attributable to its extensive range of members, thus it is difficult to interest all of them all of them along common lines.

In addressing the hypothesis posed, that different IROs serve distinct interests, purposes, and policy areas, a regional governmental and another parliamentary interviewee offered competing conceptions of the most important interregional organisations. Their accounts were an obvious indication of the membership of the two interregional organisations, one being governmental and the other parliamentary. Typically, the parliamentarians downplayed the role of Regleg and emphasised the importance of Calre, meanwhile, governmental officials emphasised the role of Regleg. Both the representative from the Delegation of Euskadi and the representative in charge of Basque governmental affairs to the EU pinpointed the importance of Regleg when asked about the most effective interregional organisation.²² Nevertheless, a PNV member from the Basque Government did state that Regleg has limited influence in EU policy and decision-making. The statement is based on the fact that the interviewee believes that states are still gatekeepers to some extent in that they determine policies. However, the interview also stated that it was better to be involved in Regleg and the CoR than not to be, thus missing a possible opportunity (Interview, Basque Government - PNV External Affairs, 2006). Therefore, in the statement the interviewee supports the hypothesis that representation avenues should be

²² Interviews: Basque Government - EU Affairs, Bilbao, 2006; Delegation of Euskadi, Brussels, 2005

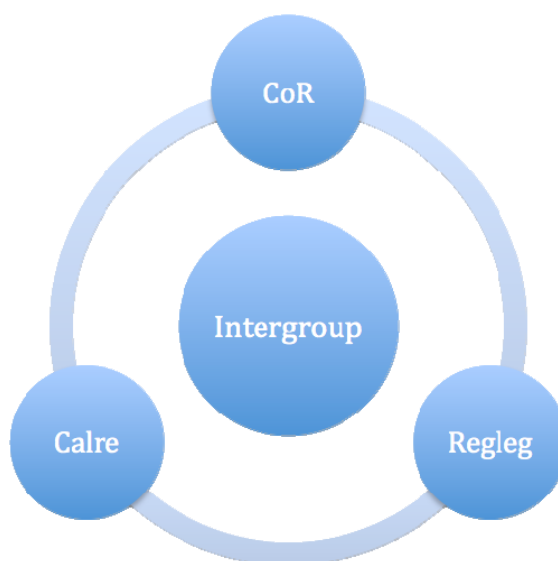
maximised, i.e. relying on all means possible to have influence. It is additionally important to state that the interviewee's distance from the EU decision and policymaking process attributed to his generally pessimistic view of lobbying and he had a nationalist stance in support of Basque preferential treatment.

As mentioned, parliamentarians asserted the importance of Calre over Regleg. The presidency of the Basque Parliament stressed instead the dominance of the Conference of European Regional Legislative Assemblies (Calre). A party member from Ezker Batua Berdeak (EBB - Basque United Left - Greens) in the Basque Parliament declared that the Basque Country collaborates in networks with other European autonomous parliaments through Calre, which makes it an important informal representational channel and a way to gain information and influence. Meanwhile he downplayed the role of Regleg (Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006). His assertion is a typical finding amongst interviewees who are members of parliaments because they all supported Calre over Regleg due to its membership criteria and their participation in one and not the other.

Before considering the networks of several salient policy specific IROs, this final paragraph will briefly discuss the Intergroup formed by the CoR, Regleg, and Calre and their collaboration of these IROs with the EU institutions therein. Returning to the CoR, this body has an extensive membership, financial resources, and its lobby can be useful. When the CoR is informed that the Commission is preparing a directive, they have the resources to follow the progress of the directive through informational channels that they have available, largely because they are an EU organ, and as argued, information dissemination is an essential means of influence. The Intergroup formed between the CoR, Regleg, and Calre can introduce its position through the CoR to the Commission. The Declaration of Oviedo (1997) was the result of several meetings amongst parliamentary presidents in 1996. Therein, the role of the European Parliament working with the regional assemblies was given paramount importance. In 1997, Calre did not concentrate its efforts on working with the CoR because its members are principally regional governments as opposed to parliaments. Regional parliaments have no direct path to influence the EU system, so the main way was through the European Parliament. Nevertheless, the three most influential IROs have recently combined their efforts forming an intergroup. The Intergroup composed of CoR, Regleg, and Calre provides evidence that there is networking interaction amongst the IROs. Although the extent of their collaboration is questionable, the formation is evidence that there are extensive links amongst the IROs. Many of these IROs invariably collaborate in specific policy areas explained in the following section using the

Basque case study as an example. The diagram below illustrates the three members of the intergroup composed of the CoR, Regleg, and Calre.

Figure 4.5. The Intergroup



VIII. Other IROs and the Basque Country's Policy Networks²³

In the ensuing section, the IROs must be identified in a descriptive fashion with the intention of analysing them as important channels whereby the Basque Country has / has not had an actual impact on specific policy areas, which will be examined in chapter five. Thus, this section describes how the Basque Country participates in the IROs, which include both EU and international institutions. The section identifies these IROs and focuses on the networks between them. The analysis will assist to pinpoint the most important policy areas and which IROs are collaborating therein, and in effect forming policy networks. The Basque Country participates in various IROs that not only EU-based, but also internationally focused. For instance, the Basque Country participates in the Environment Platform of Regional Offices (EPRO) taking a lead to represent other regions as well as the Basque Country. It is an informal network for the environment that engages in interface between the Commission and environmental institutions. It was set up in 2001 by DG Environment to promote cooperation between the Brussels regional offices, the Commission, and the European Parliament. The Basque Country is a member at the regional level, but also at the member state level as the EPRO representative for Spain. Hence, their participation demonstrates that the Basque Country is an international policy player with a large degree of expertise in environment. Euskadi also participates in energy policy in the

²³ EPRO, nrg4SD, CPMR, CEMR (CoE Municipalities and Regions), It4All, CIFAL BILBAO, United Cities and Local Governments (UCLG), the European Council of Municipalities and Regions (CCRE-CEMR)

international Network of Regional Governments for (4) Sustainable Government (nrg4SD) (De Castro Ruano and Ugalde Zubiri 2006: 50). Similar to EPRO where the Basque Country has a leadership role, the Basque Government is secretary of the nrg4SD network and part of its executive committee. An expert in law and another official from the Basque Delegation (Brussels) gave special emphasis to the importance of the nrg4SD network.²⁴ The Basque Country is highly participative in a variety of energy and environmental organisations that represent international networks that the Basque Country relies on to influence policy at the EU-level, and they will be further explored in chapter five for their impact on policy.

VIII. 1. It4All

Information technology is an area in which the Basque Country is especially active in their lobby. It4All is an important institution to discuss due to the Basque Country's high level of participation and the institution's salience at the international level. It4All is a decentralized cooperation network of local authorities (cities, municipalities, regions, and local associations) aiming to reach an inclusive information society with the use of ICTs (Information and Communications Technologies) because they consider them a key development tool. The network promotes the principles of the World Summit on the Information Society (WSIS), which was launched in 2003. One of the summit's goals is the coordination of local authority and national interests to facilitate the development of information society. The Basque Government intensely collaborated in preparatory meetings and conventions related to the WSIS, which will be discussed in the next paragraphs. It4All has a common political position called the "new model of society" embodied in the Bilbao Declaration (2005), which sets standards that include an outline of measures to promote local strategic plans on information society worldwide (It4All 2008). It is notable that the Bilbao Declaration is a landmark document, which would not have been possible if it had not been for the coordination of the Basque institutions. It4All's network is concentrated in nine knowledge areas, including: 1) Accessibility and Inclusion, 2) culture and identity, 3) e-government, 4) e-democracy, 5) e-health, 6) eLearning, 7) e-business, 8) Infrastructure, and, 9) e-security (It4All 2008). It is noteworthy that culture, education, health, and business are significant areas of Basque expertise that were also mentioned in chapter three. Furthermore, there is a focus on economic development through technological advancement, which as argued, economy is an overarching preoccupation behind lobbying.

²⁴ Interviews: University of the Basque Country, San Sebastian, 2007; Delegation of Euskadi, Brussels, 2005

Additional European networks that promote It4All, have relevance for the Basque representational channels, are mentioned in the literature, and through the interviews are notable due to their high level of cooperation. They include: a) Calre b) The European Regional Information Society Association (ERIS@) c) The Council of European Municipalities and Regions (CEMR), and, d) the CoR (It4All 2008).²⁵ The Basque Europarliamentarian from the PNV revealed that he stood as member of the Committee of the Council of European Municipalities and Regions (CEMR) and a member of the executive committee and the president of Eurocities (Interview, European Parliament - PNV, Brussels, 2007). The interviewee also regularly participates in the Council of European Municipalities and Regions (CEMR). Therefore, there are several IROs and policy areas that can be directly linked to Basque institutions either through areas that correspond with their expertise, competencies, or those that they share common interests with other regions in IROs. Possibly all these factors are related, which is an issue tested in the next chapter.

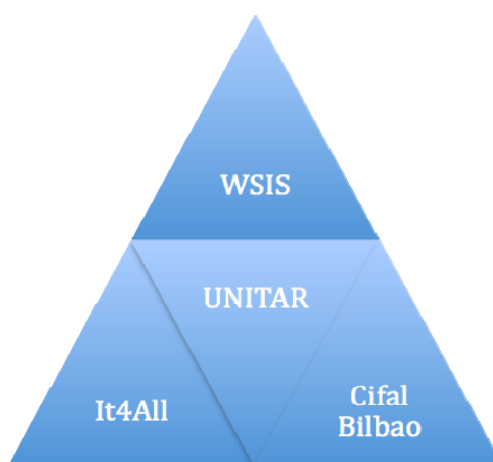
VIII. 2. Cifal Bilbao

The previous paragraphs mentioned the Basque Country's involvement in WSIS, the following paragraphs describe the link amongst IROs promoting information society. WSIS, It4All, Cifal Bilbao, and UNITAR. UNITAR and the Basque institutions promoted the founding of Cifal Bilbao (Cifal Bilbao 2008). Similar to It4All, Cifal Bilbao follows the principles of the WSIS. The European organisations involved in a common network include, the International Training Centre for Local Authorities (CIFAL) Bilbao, which is a joint initiative of the United Nations Institute for Training and Research (UNITAR) and the Basque Public Authorities created to train local authorities in issues related to Information Society (It4All 2008; Cifal 2008). UNITAR, which is an independent organisation of the UN works to enable the participation of the local authorities to meet the objectives of the World Summit on the Information Society (WSIS). Hence, the Basque institution's proven initiative in establishing Cifal Bilbao demonstrate its wide ranging possibilities to influence both EU and international levels and engage in meetings with an abundance of policy player therein, and therefore, exposing its perspectives to a plethora of entities.

²⁵ Other members contributors include: The Regional Network of Local Authorities for the Management of Human Settlements (CITYNET), the European Local Authorities' Telematic Network, which works to give force to the local digital agenda in Europe (ELANET), Global Cities Dialogue, Network N°13 of Towns and Information Society (URBAL), and Latin American Federation of Cities, Municipalities and Associations (FLACMA), and the Colombian Federation of Municipalities.

The previous paragraphs described the link or communication network between the three organisations whereby the WSIS prompted both the formation of UNITAR and It4All and Cifal Bilbao promote the WSIS principles. The following diagram shows the connection between the four entities: UNITAR, WSIS, It4All, and Cifal Bilbao, which are all based in the United Nations organisation UNITAR, which is why it is positioned at the centre of the triangle with the institutions that promote it surrounding it.

Figure 4.6. Information Society: Primary Links beginning with the establishment of UNITAR, Originating from the WSIS



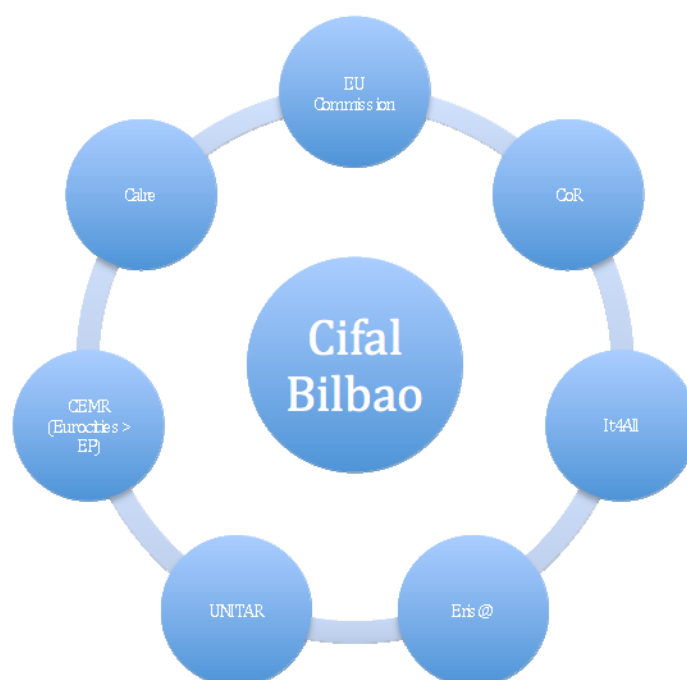
Cifal Bilbao is an international training centre responsible for the training of local authorities focusing on the issue of information society. Cifal Bilbao is an important organisation in the Basque Government's network of interregional organisations aimed at lobbying the EU concentrating on information society. The website provides evidence of numerous representational channels giving it paramount importance in the network of associations lobbying the EU. Furthermore, De Castro Ruano and Ugalde Zubiri provide evidence of various occasions when the organisations engaged in interventions at the EU level along with both Regleg and Calre (2006: 225-354). Therefore, Cifal Bilbao forms one of the organisations which give impulse and further connections amongst the various actors and organisations that the Basque Government rely on to influence the EU policy and decision-making process in policies related to information society.

In addition to the aforementioned IROs that are linked in the information society network, Cifal Bilbao lists fifteen IROs with which it collaborates.²⁶ The following paragraphs outline the

²⁶ 1) United Cities and Local Governments (UCLG), 2) the Committee of the Regions, 3) The European Council of Municipalities and Regions (CCRE - CEMR), 4) Conference of European Legislative Assemblies (Calre), 5) Spanish Federation of Municipalities and Provinces (FEMP), 6) EUDEL - Association of Basque Municipalities, 7) Eurocities, 8) Citynet, 9) It4All, 10) Global Cities Dialogue, 11) European Regional Information Society

IROs' network partners with the greatest visibility in the EU policy arena. The importance of the diagram (*below*) and analysis is that they assist in defining the alliances and networks that ally the IROs. Instead of providing an exhaustive list of these fifteen IROs, the analysis links the organisations in a coherent fashion to succinctly describe the networks that connect them. Being that the information was provided by Cifal Bilbao's website, it is at the heart of the network in the diagram, but the links between the various IROs are reciprocal, not hierarchical, which is why they are outlined as a circle. Further, to clarify, UNITAR actually initiated the creation of Cifal as local training initiative, which will be explained below.

Figure 4.7. Cifal Bilbao's Reciprocal Policy Network



The Commission's involvement in the network is a direct link between the URB-AL or the European Aid Cooperation Office and Cifal Bilbao. URB-AL concentrates on urban policy aimed at local groups in the EU. The other links between the CoR, It4All, and Calre are all straightforward links with these organisations regarding the promotion and development of information society. The circle diagram also includes the Global Alliance for Information and Communication Technologies and Development and Development (GAID), which is a United Nations initiative to promote worldwide use of information communications technology. The diagram groups the various municipal level organisations such as CEMR (Eurocities that communicate with the European Parliament), which is an important element of the network

Association (eris@), 12) Telecities, 13) European Commission - URB-AL - Europe Aid Co-operation Office, 14) Global Alliance for Information and Communication Technologies and Development (GAID), 15) United Nations Institute for Training and Research (UNITAR)

because it includes numerous local associations. Therefore, the Commission and the European Parliament represent two EU institutions linked to the information society network whereby the Basque institutions have a large degree of influence. The following paragraph explains the organisations involved in the circle of the diagram entitled “CEMR (Eurocities > European Parliament).”

Cifal Bilbao attributes the United Cities and Local Governments (UCLG) as the most important international organisation in the world, and the UN considers it to create the official link between local government and UN associations regarding information society (Cifal Bilbao 2008b). The European counterpart of the UCLG is the European Council of Municipalities and Regions (CEMR), which is the most extensive association of local governments in Europe from more than thirty countries (Cifal Bilbao 2008b). Its membership includes national affiliations, thus, for example in Spain, the member is Spanish Federation of Municipalities and Provinces [*Federación Española de Municipios y Provincias* (FEMP)]. The Spanish Federation (FEMP) associates 7,286 local entities, including, provincial and city councils, insular governments and commissions. FEMP was constituted through the Ley 7/1985 of 2 April 1985 (Disposición Adicional Quinta), which regulates the bases of the local organisation in Spain. It officially became a public association after the agreement of the Spanish Council of Ministers on 26 June 1985. FEMP represents the Spanish section of the CEMR (FEMP 2008). The Association of Basque Municipalities (EUDEL) - which as the name suggests - is a network of Basque municipal associations (founded in 1982), is also involved. Its objective is the defence of municipal autonomy and the representation of local interests. Its members include all the municipalities of the Basque Autonomous Community, various from Navarre, and the municipalities from Condado de Treviño (Country of Treviño).²⁷ Eudel itself is an autonomous association and is recognised internationally (Eudel 2008). Finally, also involved in this circle is Eurocities, which has contacts and organises events at the European Parliament, for example, it presented a policy paper on local public services to the Parliament (Eurocities 2008). Therefore, there is also a link established between the large number of associations listed and the European Parliament, which is why it is included in the diagram.

Additionally, a network links Eurocities²⁸ and CEMR, whose members include numerous large cities and national associations of local and regional governments from twenty European countries. Finally, Global Cities Dialogue, Telecities and Citynet are all municipal associations,

27 The Condado de Treviño politically pertains to the Autonomous Community of Castilla y Leon and lies in the province of Burgos, but it is contested territory of Alava since it became part of Castile in 1288.

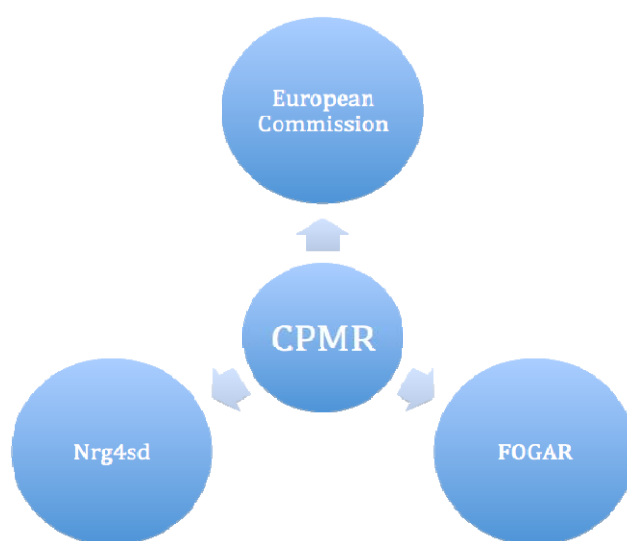
28 <http://www.eurocities.org/main.php>

which can be grouped together in the diagram's "CEMR (Eurocities > European Parliament)" circle. The preceding description of organisations provides evidence that they have reciprocal contact and share information sources and meet with the European Parliament to share information and expertise. Thus, it is useful to briefly describe these organisations and their utility for pooling interests in specific policy areas, being information society in this case. It is essential to mention that the networks can be used to channel information in other policy areas, which was highlighted at the chapter's onset as a factor of influence.

VIII. 3. CPMR

The Conference of Peripheral Maritime Regions (CPMR) is a highly active IRO at the EU level consisting of 154 European coastal member regions. It has six geographical commissions: a) Atlantic Arc, b) Balkan and Black Sea, c) Islands, d) Intermediterranean, e) Baltic Sea, f) North Sea. They provide expert advice to lobby the EU institutions, and thus, have a direct link to the EU decision and policymaking process. CPMR also works with other regional networks, such as the Network of Regional Governments for Sustainable Development (Nrg4sd) and the Forum of Global Associations of Regions (FOGAR). The Basque Country is a member of the Atlantic Arc Commission along with 27 other member regions along the Atlantic coast from Andalusia through the Algarve following the European continual coastline to Scotland, which gives it another important opportunity to meet officials from various regions and share information and influence policy through their concerted efforts. CPMR has provided expert advice, as mentioned, and one such example is the Commission's reliance on it during its "Europe 2000" investigation on transnational networks. Thereafter, it lobbied the Commission and the respective member states to be responsible for implementation and the strategic priorities for DG Regional Policy's Interreg programmes: Interreg II C (programming period 1997-2000), and Interreg IIIB (programming period 2000-2006) (CPMR 2007). It provides evidence of an IRO's ability to directly lobby the Commission, but also, the Commission's openness to institutions as such for expert advice. Consequently, if the Basque Country has impact on a consensual CPMR decision, then the Basque institutions could have an effect on its policies. The diagram below outlines the network between the CPMR, Nrg4sd, FOGAR, and the European Commission.

Figure 4.8. CPMR's Interconnectedness for Expert Advice



VIII. 4. Basque Participation in Other IROs

A hypothesis mentioned in chapter three asserts that in policy areas where the central state is not giving Euskadi the representation that it deems sufficient or justified, the Basque Country lobbies the EU or other interregional organisations, for example, in the recognition of the Basque language. Considering the language issue in terms of the other IROs, the CoR dedicates more attention to languages than Regleg (Interview, Basque Government - PNV External Affairs, 2006). However, Regleg has still been an important interregional organisation for promoting policy and cultural issues such as culture, Euskera, sports, and sustainable development (Interview, University of the Basque Country, San Sebastian, 2007)

The Basque Government also participates in international forums and networks. For example, it participates in the Working Community of the Pyrenees [Communauté de Travail des Pyrénées (CTP)], which was formed in 1983.²⁹ The mentioned working group is proof of the Basque institutions' involvement in a particular working group that has an impact on EU policy, but also represents a combined effort of several regions working together. The Basque Government maintains constant contact with the Pyrenees working group of regions. The working community is the managing authority for the Commission's Interreg IIIA-France-Spain Programme for the programming periods: 2000-2006, and the current programming period:

²⁹ The working group includes three French regions: Aquitania, Languedoc-Roussillon, Midi-Pyrénées; and four Spanish Autonomous Communities: Aragón, Cataluña, Euskadi, Navarra; and the Principado de Andorra.

2007-2013, which is solid evidence that it has contact with the Commission.³⁰ The working group deals with issues of fisheries, tourism, transportation, urban planning, rural development, and sustainable energy in the Pyrenees region between France and Spain (Comunidad de Trabajo de los Pirineos 2008). The Basque Europarliamentarian states that the Commission is increasingly open to it. He mentioned that in 2006 there was a resolution from the working community that was a result of Basque influence (Interview, European Parliament - PNV, Brussels, 2007)

The Basque Government interviewee described a large degree of scepticism when addressing the effectiveness of IROs, a Basque Government for external Basque relations stated that they still report to the Council of Europe's Congress of Local and Regional Authorities, but that it does not have much influence (Interview, Basque Government - EU Affairs, Bilbao, 2006). A Basque Europarliamentarian also stated that they do still report to the Council of Europe in Strasbourg (Interview, European Parliament - PNV, Brussels, 2007). Hence, the respondent downplays the importance of this organisation, which appears to be commonplace for RLC to downplay organisations with a mixed membership of cities, municipalities, and regions.

The Basque Government respondent continued to consider the usefulness of the AER for the Basque Country. The interviewee reveals that the Assembly of European Regions (AER) does not interest the Basque Government as much as in the past because it has lost a great deal of influence (Interview, Basque Government - EU Affairs, Bilbao, 2006). Another representative from the Delegation of Euskadi reiterated that it is not closely connected to highly influential parts of the networks that influence EU policy and decision-making (Interview, Delegation of Euskadi, Brussels, 2005).

Previously the line of the Basque Government was to be involved in an exuberant number of interregional organisations, they have recently adopted an approach that searches for a more effective and less rhetorical participation in these organisations being this case the Basque Government abandoned the AER at the end of 2005 (De Castro Ruano and Ugalde Zubiri 2006). This fact was also reflected in an interview with AER because their official line upholds that they do not promote some particular regions over others (AER 2005: 8-10). Part of the reason for interviewee from the Basque delegation's³¹ negative reaction to AER can be explained

30 Website for programme: <http://interreg3france-espagne.org/sommaire.php3?lang=es> (accessed 15 December 2008)

³¹ Interviews: Delegation of Euskadi, Brussels, 2005

though the interview with the interregional organisation, which revealed the AER's hesitancy in dealing with nationalist groups, an issue which was discussed at the beginning of this section.

VIII. 5. Basque Business Interests and Confebask³²

I will briefly discuss the presence of powerful Basque business associations, which will be further elaborated on in chapter five. The Basque Business Confederation (*Confederación Empresarial Vasca*) is an organisation that represents and defends the common and general interests of Basque businessmen. It was created in March 1983 and is composed of unions and professional organisations; it has 13,000 private businesses that pertain to the numerous activity areas of the members of the Spanish Confederation of Business Organisations [*Confederación Española de Organizaciones Empresariales (CEOE)*]. Its objective is the development of private business initiatives and promoting the competitiveness of Basque businesses at the EU level. It is based on a networking structure that is composed of other Basque business organisations, which are each specialised and explained below. Its numerous associations are specialised in varied economic sectors and assist to guide interests at the EU level in a coherent position rather than fragmented lobbying attempts of several associations.

The associative structure is articulated amongst three Basque business organisations in each of the Basque historic territories: the Business Confederation of Vizcaya [*Confederación Empresarial de Bizkaia (CEBEK)*], the Business Association of Guipúzcoa [*Asociación de Empresarios de Guipúzcoa (ADEGI)*], and SEA – Alava Businesses (*SEA- Empresarios Alaveses*). The organisation is divided according to different technical departments that prepare reports and investigations according to recent developments, i.e. laws and directives in the Basque Country, EU, or on a wider global scale. Thus, it is able to react quickly to EU initiatives and provide specialised expert advice in specific subject areas. Cofebask cooperates with a wide variety of organisations on a European and global scale. They also work with SPRI in their administrative commission. Spri (*Sociedad para la Promoción y Reconversión Industrial – Association for the Promotion of Industry*) is a Basque business association which must also be mentioned, but will be further discussed in the next chapter because it is partly a Basque Government institution and there are instances when it was able to have a direct impact on the Commission, as an interview with a Commission civil servant revealed (Interview, Commission - DG Regional Policy - Head Spanish Unit, Brussels, 2007). Additionally, a European parliamentarian stated that Basque businesses still have representation in the European

³² <http://www.confebask.es> (accessed 28 May 2008)

Economic and Social Committee (EESC), which represents a direct path to the EU institutions (Interview, European Parliament - PNV, Brussels, 2007). The Basque interviewee from the European Parliament focused on the high level of pressure that the Basque institutions exert for business interests. Thus, Basque business may have an extensive network of lobbying channels that they rely on to influence EU policy. The aforementioned interviewee explained that an Europarliamentarian can have an impact, but it normally depends on the informal contact, for example, a CoR recommendation can be sent to a Europarliamentarian to ask him or her to lobby for in favour of it (Interview, European Parliament - PNV, Brussels, 2007). His observation supports the previous interviewees' assertions that the effectiveness of a given lobby depends on the lobbyist's proximity or ability to gain information on a given policy. The final chapter will discuss the instances when the Basque Country was able to have a direct effect on EU policy and decision-making.

IX. Conclusion

There are numerous ways for regional entities to exert pressure and influence EU policy. Chapter four argues that regional informal networks and lobbying through IROs is one such avenue for the RLC to express its posture to the EU institutions, and in effect, influence policy. The chapter provided further evidence to solidify the MLG conception of the EU. The EU is a multi-level playing field whereby numerous players can influence policies and decisions through a large range of both formal and informal means. The regions are highly involved in IROs because they represent informal channels whereby policy players can combine their interests and exert a concerted pressure on EU institutions.

The chapter began emphasising the gateway to the EU institutions that the IROs rely on to enter the EU policy and decision-making arena. It demonstrated, that there were numerous occasions when the EU institutions made open declarations in acceptance of outside expertise from regions and IROs. The IROs form extensive informal representation channels, which pool interests of numerous powerful RLCs. The purpose is to have an assertive impact on EU policy and decision-making. Informal meetings, exchanges of letters, and conferences can all prove useful methods for the IROs to influence EU policy design. Due to the fact that it would be impossible for one thesis to evaluate every IRO, the chapter's analysis focused on - what it has justified as - the four most salient IROs. It primarily focused on the CoR because it is an EU organ, and thereafter, the chapter analysed the other organisations whereby the Basque Country has special interests and expertise. The primary focus of their efforts appears to be economically driven, but

the chapter has proven that there are also other interests at stake, including environmental, cultural, and technological.

The dissertation argues that a factor that limits the impact of an informal contact is that actor(s)' proximity to the policy, or their relation to the policy players responsible for the drafting or amending a given EU policy. As the interviews revealed, political party coalitions, or a special relationship with the *rapporteur* (in the CoR or European Parliament), were two effective manners to influence policy design. The chapter's primary hypothesis predicted that the RLCs were attempting to represent themselves through the maximum number of IROs, in order to have some impact on EU legislation. It was coined the lobbying maximisation hypothesis. In order to maximise their chances to influence EU policy, the RLCs are utilising several IROs to influence EU policy and decision-making. The chapter has provided evidence to support the hypothesis, but has also found that in cases where the RLCs resources are over exerted, their effectiveness is limited. The phenomenon correlates with the aforementioned hypothesis on the quality of the contacts as a restrictive factor of influence.

As also touched on in the previous chapter, administrative capacity is an instrumental key to influence because an IROs without financial resources, i.e. without financing from some source or a particular institution (e.g. EU, governmental, regional etc.) - is not able to exert as much pressure as an organisation with a large degree of finances, personal, and expertise. Thus, without these "administrational" resources it is extremely complicated to engage in information collection. Information collection is an essential starting point for non-state entities at the EU level.

Since the humble beginnings of the EU, lobbyists flooded Brussels to collect pamphlets and hold informal meetings with EU officials. The Internet has immensely facilitated the collection and dissemination of information whereby the EU institutions post an abundant stock of decisions and positions via the web. Holding one-on-one informal meetings with EU representatives is an effective means to spread information and expertise on regional specific subjects. Another means is by holding conferences and meetings focused on particular topics. They form essential means whereby regions through IROs are able to attract a number of other policy players and designers. As argued, the EU officials are also open to accept expert advice during the deliberation phase of policy topics, and thus, providing an opportune moment for IROs to exert pressure on working groups in order to have their positions heard.

It is difficult to assign exact responsibility for policy initiation or change. Hence, one of the most prominent ways to determine the entity responsible for a given policy was through the interviews. The respondents have given evidence that IROs are able to influence EU policy design. The Basque Country relies on these channels to coalesce interests with other regions, in order to exert a wide range of pressure to influence policy. They also rely on party coalitions as an effective form of lobbying, and therein they are able to employ a great deal of pressure and influence.

Evaluating the accounts from the IRO respondents, each appears to focus on specific policy areas, but it was challenging to pinpoint specific policy areas for the CoR, Calre, Regleg, and the AER. It was highly relevant that each IRO did represent specific entities. For example, the regional governmental interviewees stated that CoR and Regleg were the most salient IROs, and parliamentary interviewees focused on the Calre, which is largely due to their membership criteria. The AER was given less emphasis, but does form an important member of many IRO representational channels. All of the four large IROs focused their efforts on democratic participation and the development of the principles embodied in the EU draft constitution, whose mention of the region became the Treaty of Lisbon, most notably the protocol on subsidiarity and the early warning system. Therein, they all claimed to have contributed through contacts with the Commission and the European Parliament. Calre and the AER appeared to have contact with the European Parliament and the CoR on specific occasions, but all four revealed the openness and importance of informal networks with the Commission.

The respondents revealed broad ranging policy areas, but it was difficult to get them down to specifics of instances when they contacted the EU institutions. The interviewees appeared to primarily point to policies related to economic factors. Interview evidence pointed to the fact that economically strong regions are able to gain visibility at the EU level. Additionally, economic related policy areas proved to be the primary motivations for the RLC. However, certain policy areas, such as agriculture, business, health, fisheries, technology related areas, and cultural affairs (i.e. language issues) were also mentioned as areas whereby the IRO has intervened at the EU level. Therefore, they must be discussed in the following issue focused chapter five to evaluate if the Basque Country is able to influence EU policy. The hypothesis is that these areas correspond with their areas of expertise. Their expertise corresponds with either un-transferred policy areas via the Statute of Guernica, touched on in chapter three, or areas where they already have competencies within the central state.

The next chapter will evaluate if the Basque Country is able to have a direct impact on EU decision and policymaking by looking at specific policy areas. If the lobbying maximisation hypothesis is accurate the Basque Country should have been attempting to influence EU policy decision-making in a plethora of sectors, but we can pinpoint a series of policy areas and representational channels whereby it has made an impact. These policy sectors should correlate with those discovered in this chapter whereby Euskadi sought IRO representation, i.e. information society, culture and language, business interests, and environment.

Chapter V: Policy Areas for the Basque Lobby

Morality is temporary, wisdom is permanent

- Dr. Hunter S. Thomson, *Kingdom of Fear*

I. Activism and Influence on EU Policy

The following chapter identifies the policy areas and instances when the Basque Country influenced EU policy through interactions with EU officials. It supports the hypothesis that the EU institutions give a RLC, such as the Basque Country, a greater role in the EU policy and decision-making process. Marks and McAdam postulate that recent regional movements in the EU diverge from independence claims, but rather, seek a greater level of autonomy in the EU in the wake of policymaking. Thus, the EU policy process is moving away from the control of national authorities, and jurisdiction is shifting to both the supranational level and down towards sub-state governments (Marks and McAdam 1996: 266). The EU could be promoting RLC representation to minimise the impact of independence seeking regions, or to lock in these regions into a controlled institutional structure whereby they can be regulated to some degree in the EU policy and decision-making process. Supporting the ‘lock-in’ notion, the chapter will give several examples of meetings between EU officials and the Basque representatives. In some instances, it is difficult to determine whether the Basque institutions actually influenced EU policy. Nevertheless, it is clear that there is a large degree of activism by both the EU and Basque officials, which implies that there is some degree of effectiveness in their efforts, or they would not continue to dispose of their resources in this manner.

Hooghe and Marks support the comments made at the end of chapter four concerning the assigning responsibility for policy initiation or alteration. They recognise that it is important to consider that “interest groups and subnational government vie to influence the process [...], but] it is difficult to assign responsibility for particular initiatives” (Hooghe and Marks 2001: 16). Considering the citation, it is difficult to determine Basque influence. Nevertheless, as stated in the methodology chapter, the qualitative interviews provide insider information to enable the researcher to look at specific EU initiatives to evaluate if there was actual subnational impact on EU proposals and legislation, especially when combined with other sources

Therefore, the interviews provide evidence to identify instances when the Basque Country was able to have an impact on policy, which will be backed up with empirical evidence of meetings

between Basque and EU officials. The investigation will reveal the policy areas and determine their correlation with areas where the Basque Country has a large degree of expertise and / or correlate with policy areas outlined in the Statute of Guernica that have not been transferred from the central state to the Basque Country. Additionally, the chapter describes the extensive networks that form representational channels that the RLC can rely on to exert wide ranging pressure through various means, which is the premise behind the lobbying maximisation hypothesis. The yearbook on Basque foreign interaction (De Castro and Ugalde 2006) is a notable source of empirical data that pinpoints occasions when Basque officials met with their EU counterparts, which if not demonstrating influence, does indicate a large degree of activism, which according to the lobbying maximisation hypothesis is a manner for them to have some degree of impact on EU policy. Hence, the yearbook provides a useful empirical listing of meetings, which, along with the interview data, solidifies the argument that the Basque Country can influence EU policymaking through informal channels.

Environment, information society, and research, language and culture are extremely salient issues and competency areas for the Basque Country in the EU decision and policymaking processes. The mentioned policy areas were identified through a combined effort of evaluating the interviews and verifying respondents' assertions with meetings, conferences, and correspondence between the Basque Country and numerous international actors, which De Castro Ruano and Ugalde Zubiri (2006) outlined. The yearbook is solely empirical, and it lists instances when there was interaction between Basque institutions and external actors (both EU and international). Therefore, it does not contain analysis, and for this reason, the information obtained from the interviewees is necessary to assist in elaborating on the existing evidence.

As asserted in chapter three, the Basque Country has competence in the Spanish central state in several of the same policy areas in which it seeks EU representation. There are controversial issues concerning control over competencies between the Spanish central state and the Basque Country in EU policy and decision-making. Firstly, in the wake of EU integration, competencies that once belonged to Euskadi have now become EU competencies without the consultation of the Basque Country, as was outlined in chapter three. Referring to formal channels, the interviewee from the Basque delegation illustrates that the Basque Country cannot obtain EU competence in several policy areas without the collaboration of the central state because the latter provides the direct line to the Council of Ministers (Interview, Delegation of Euskadi, Brussels, 2005). She further highlights that the Basque Country wants to be able to protect its interests in: agriculture, environment, fisheries, culture, youth training (*juventud*), economy,

employment, health, industry, policing, social security, taxation and transportation, which are resonant in other interviews with Basque officials.¹

The interviewee from the Spanish Permanent Representation validates the policy areas in which the Basque Delegation claimed that it had a direct influence at the EU level, which coincide with non-transferred competencies from the Statute of Guernica. The respondent states that, in her position, as a central state representative, she has directly intervened in EU decision-making for the Basque Country in: agriculture and fisheries, employment, competition, social policy, health, and culture and youth (*juventud*), and environment (Interview, Spanish Permanent Representation, Brussels, 2008). Several of the policy areas correlate with un-transferred or semi-transferred competencies. Related to the just mentioned policy areas, those pending transfer include: unemployment, training, social security, work inspection, maritime transportation, control of ports and airports, rail infrastructure, tourism, fisheries and aquaculture, agricultural insurance, and scientific and technical research (Caño 2007: 123). The last field, research and investigation, is one in which the Basque institutions have a large degree of expertise, and as the next sections illustrate, they have been able to influence EU policy therein. Additionally, it represents a recently transferred competency that the central state agreed to transfer to Euskadi through an agreement on 11 December 2008 (El País 2008b).

The Basque President's cabinet (*Lehendakaritza*) outlined the most salient policy areas for the Basque Country to participate in the EU - amongst other international organisations. The cabinet identified eight policy areas in an act called 'Strategy of the Basque Autonomous Community's Foreign Affairs,' including: economic and commercial promotion, industry, tourism, education, culture, environment, and sustainable development (De Castro and Ugalde 2006: 245). In addition to the mentioned policy areas, Ibarretxe revealed the Basque Government's objectives to the magazine *Europa-Euskadi* (1 November 2005): participation in the EU, collaboration with other regions and IRO and forums, i.e. the Atlantic Arc, Navarre, and Aquitaine (De Castro and Ugalde 2006: 325). This confirms our earlier hypothesis that the Basque institutions are primarily concerned with economic benefits but also, there are cultural related policy areas that are important, which could be linked to nationalist themes. As chapter four revealed, the Basque institutions collaborate with a number of interregional organisations and others which will be explored in this chapter, such as health and environment.

¹ Interviews: Basque Government - EU Affairs, Bilbao, 2006 ; Basque Government - PNV External Affairs, 2006 ; Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006.

The following discussion is divided according to policy areas, and it gives evidence to support the hypothesis that the conflictive policy areas between Euskadi and the central state – or areas where Euskadi has competencies or expertise - are the policy areas in which the Basque Country is seeking EU representation. Nevertheless, it is essential to mention that they are also attempting to maximise their level of influence on EU policy process through every means and representational channel possible to increase the chances of impact, as lobby maximisation hypothesis suggests, which was explained in the previous chapters

II. Health

Health represents an area where the Basque Country was able to exert some influence. It is also an area that the Basque Country has: a) a large degree of autonomy from the central state, b) competency, and, c), expertise. In addition, the Basque institutions are a player at the EU level. Evidence of their active role is their continual organisation of conferences and meetings to discuss issues. The Basque Health and Safety Institute (Oslan) is active in its relations and collaboration with European health networks. It is a partly autonomous body because the Basque Country has competencies in health. Oslan collaborated with parallel health institutions from Tampere (Finland), Dortmund (Germany) to promote cooperation networks amongst European health institutions (De Castro and Ugalde 2006: 325). Additionally, Gabriel Inclán, the Basque minister of health, met with his Flemish counterpart regarding the restructuring of the Flemish health system, among other systems of non-central governments (3 December 2005) (De Castro and Ugalde 2006: 343). Although there is no sustainable evidence to support the fact that the Basque Country actually promoted new EU policy initiatives, the Basque health institutions are identifiable policy players in health networks and hold informal meetings and conferences that may have an effect on EU policy through concerted pressure by several regional players.

Generally, health and social services tend to be issues whereby regions get involved, because of the reach of their social services due to the local level of attention that social services and assistance requires. Several interviewees stated that the Basque institutions are able to exert influence at the EU level through direct contact with the Council of Ministers in representation of the Spanish position.² One of the most direct meetings between the Basque Government and the EU institutions was the representation of Gabriel Inclán, the Basque Minister of the Health, in the Spanish delegation in the Council of Ministers in the Council of Health and Consumption.

² Interviews: Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006 ; Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006 ; European Parliament - PNV, Brussels, 2007 ; European Parliament - PP, Brussels, 2007; Spanish Permanent Representation, Brussels, 2008

The Basque Government was able to send their health minister directly to discuss public health issues. Inclán was sent to the European Council as the *consejero autonómico* who represents the Autonomous Communities. It represented the first time in history that a Basque Minister participated directly in a European Council meeting. He sat alongside the central state Minister of Health and Consumption, Elena Salgado. They discussed the 2007-2013 programming period, which included such topical discussion as HIV / AIDS prevention, paediatric drugs, mental health, nutrition, and the establishment of EU intervention in health and consumer protection (De Castro and Ugalde 2006: 275).

Hence, they have expertise and are active at the EU level on a variety of health issues. In addition, the Basque Country lobbied the EU concerning a directive that affected the presentation of '*pintxos*'. They are small traditional dishes served in bars and restaurants in the Basque Country, which are usually displayed in open air along the counters. An interviewee from the European Parliament, representing the PNV highlighted the Basque Country's ability to exert pressure on an EU directive to allow for a "cultural exception."

there was a health policy related resolution that asserted that *pintxos* had to be refrigerated because they were kept on the bar without covers, and thus, they had to be held in plastic or glass refrigerated containers, so that they are closed in a way that doesn't let air nor tobacco smoke inside... no... The Basque Country lobbied for an exemption from the directive, in the name of culture (Interview, European Parliament - PNV, Brussels, 2007).

In the end, the *pintxos* were tolerated to remain in bars, as a cultural practice, which demonstrates that the Basque Country was indeed able to have an impact on EU policy through their representational channels.

III. Environment

As explained in chapter four, the Basque institutions are involved in both international and European environmental lobbies and interest groups. They have continually represented the IROs, directly, to EU representatives and institutions in Brussels, and are heavily involved in the Network of Regional Governments for Sustainable Development (nrg4SD), which consists of an international network that promotes environmental issues. The respondent from the law department of the University of the Basque Country also highlighted the Basque institutions' high level of participation in the network and their international relevance participating in meetings in the USA, and in various conferences and events at the EU level (Interview, University of the Basque Country, San Sebastian, 2007). Supporting his claims, the Basque

Country presented the organisations' agenda at a meeting in South Africa (*see* De Castro and Ugalde 2006: 333).

In 2005, the Basque minister of Environment and Territorial Planning, Esther Larrañaga met the EU representative for the environment who represents the ENCORE network (Environmental Conference of European Regions). The network is composed of EU regions that present common positions to the EU Commission (De Castro and Ugalde 2006: 326). The province of Guipúzcoa is also involved directly on the international scene as an expert on environmental issues. An interviewee who is a law lecturer from the University of the Basque Country explained that Guipúzcoa was also involved as an international expert in the environment and participated in a conference in New York in Spring 2007 and in Johannesburg along with Wallonia and Brazil (Interview, University of the Basque Country, San Sebastian, 2007). For example, from the 15-18 September 2005, the Basque Country (in Hondarribia, Guipúzcoa) hosted the GAIA Global Meeting to undertake discussions on challenges for GAIA membership with reference to waste, incinerators, and sustainable alternatives (IPEN 2006).

The Pyrenees Working Group (*Comunidad de Trabajo de la Pineneos - CTP*) regularly meets in Brussels to discuss various issues. Its four commissions are related to its policy areas of interest: a) infrastructure and transportation, b) training and technological development, c) culture, youth, and sports, and d), sustainable development (CTP 2009). Again, its policy areas correlate with those that were not transferred and those which the Basque Government concentrates on at the EU level. The CTP held its plenary session XXII in Barcelona with its members: Aquitaine (France), Andorra, Aragón, the Basque Country, Catalonia, Languedoc-Roussillon (France), Midi-Pyrénées (France), and Navarre. They demonstrated their support for the Lisbon agenda and focused on the promotion of investigation and technology across the EU (De Castro and Ugalde 2006: 303). The Pyrenees Working Group (CTP) (*Comunidad de Trabajo de los Pirineos*) also promotes research and development in universities and businesses and renewable energy and other environmental issues (Comunidad de Trabajo de los Pirineos 2009). The Basque Country is a highly active member and presented the CTP's work before various representatives from the European Parliament, its president Josep Borrell (2004-2007), representatives from the Commission's Directorate General (DG) of Regional Policy, and the CoR. Thus, the Basque Country reflects a region with power to present policy initiatives in the name of the CTP directly to the EU institutions. Considering their competencies and expertise, the Basque institutions have a large degree of expertise in the areas of environment and university education and they have a certain amount of autonomy with regards to education and

they can be considered an international policy player with regards to environment, due to their expertise and resources. They represent informal policy channels because the Basque Country presents issues to the EU in the name of the interregional organisations through conferences and meetings, as opposed to formal paths through the central state. Thus, rather than proving influence on specific policies, the Basque Country's activism is a way for it to influence policy through its presentation of ideas.

As stated, the Basque institutions are highly active in terms of energy policy and have regular contact with the Commission. They also have the resources to provide expertise on the matter, which makes them a competent authority therein. For instance, Muñoa, the Basque Commissioner for external affairs, had a meeting with the European Commission regarding the EU's new energy policy. During the CoR's 70th Plenary Session, Muñoa engaged in a question and answer session with Adis Piebalgs, the European Commissioner of Energy (6-7 June 2007). Piebalgs, EU Energy Commissioner, presented the Commission's objectives for the EU's new energy policy that includes twenty per cent use of renewable energy sources. The Basque Government representative along with Txáber Lezámiz from the Ente Vasco de la Energía (EVE) highlighted issues such as transborder energy interconnections whereby he argued that regions must be a primary focus (Basque Government 2008). Therefore, the Basque Country was able to present its posture on renewable energy to the Commission, and the Basque Government acted as a medium for a substate entity, such as EVE, to enter into policy circles with the EU institutions, which in effect, allows them to have an impact on policies.

IV. Transportation

Both interviewees from the Basque Government disclosed that the Basque Country participates at EU and international levels regarding transportation.³ European transportation networks comprise a fundamental policy channel of the Basque Government where they participate in collaboration with both ground and maritime transport entities. The EU has a large degree of competence in transportation, but it is also one of the areas, described in chapter three, that the Basque Country is awaiting its transfer from the central state (*see* Caño 2007: 123). Thus, it represents a policy area in which exclusive competence - vis-à-vis the central state - is not a precondition for the Basque Country to be able to exert influence at the EU level. In fact, there are numerous policy areas in which the Basque Country does not have exclusive competence, yet it does still interact at the EU level in the form of expert advice. The Basque institutions seek

³ Interviews: Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006

EU representation in more EU policy areas than those in which it actually has legislative and executive competencies, i.e. it is attempting to maximise its areas of influence and control, as the lobbying maximisation hypothesis posits. Regardless of the aforementioned conflict with the central state, the Basque Country presented its own plan to increase cooperation with: the central state, Euskadi, and the EU, entitled the 'Strategic Plan of Infrastructure and Transportation' (*Plan Estratégico de Infraestructuras y Transporte - PEIT* - 29 March 2005), which entails the improvement of communication with the EU and the creation of collaboration commissions (De Castro and Ugalde 2006: 249). Hence, Euskadi is an active player in terms of transportation networks and provides expertise.

The Basque Country has also engaged in discussions through IROs - such as the Atlantic Arc, which was discussed in chapter four - to promote the development of EU transportation networks. The Basque Government is involved in the Conference of Peripheral Maritime Regions' (Cpmr) general assembly of the Atlantic Arc to discuss the promotion of Short Distance Maritime Transport of passengers and merchandise. The Basque Government led the Atlantic Arc transportation working group to contemplate information networks, maritime security, port development, coordination of regional airports, and the maritime highway to run between Nantes (France) and Bilbao (28-29 June 2005) (De Castro and Ugalde 2006: 252). The Basque Country's activism in the working group demonstrates the salience of information exchange with other maritime regions for developing common positions. It is challenging to gauge actual impact, but as argued, interaction with EU officials through meetings and conferences is a manner to have some degree of influence or at least engage in information collection. Moreover, the Basque Country had direct meetings with the Commission to further discuss maritime transportation networks, which displays both the Bilbao port authority's active role and the Commission's receptiveness to outside bodies with expertise. Euskadi is able to exert pressure on EU policy through its wide range of contacts and its involvement in EU-wide ground and maritime transportation networks, which are facilitated through IROs networks.

The Basque Government had contact with the European Commission due to their expertise on maritime transport, which is a competency area awaiting transfer. Thus, it gives further evidence to support the hypothesis that competencies pending transfer from the central state correlate with those in which the Basque institutions have expertise and lobbies the EU. José Ángel Corres, the president of the Bilbao port authority, met with the head of the Sea Highways unit of the European Commission with other EU port representatives during the 30th Intermodal Transportation and Logistical Conference in Bilbao (2005). The conference's aim was to discuss

transportation and logistics, port and navigational issues with a network of port authorities throughout the EU (De Castro and Ugalde 2006: 329-330). The conference marks the importance of Bilbao as a promoter of maritime transport, the network's power in being able to represent the issues of its various collaborators to the Commission, but also, the Commission's openness to receive the views of substate entities.

The Basque Government had direct contact with the Commission on various occasions while representing the political grouping, the Alliance of Liberals and Democrats for Europe (ALDE). The meeting demonstrates that the Basque institutions had the opportunity to defend their policy positions before the Commission concerning transportation policy. Although their meeting does not prove that they were able to have an explicit impact on policy, it does provide evidence of the Basque Country's ability to defend ALDE's interests. The Basque Country is an important player in ALDE which in turn defends Basque interests at the EU level relying on collaboration with other regional entities and information exchange. Jose María Muñoa, the then commissioner for Basque Government's exterior affairs, gave a speech before the Commission in April of 2006 representing ALDE with the Vice-President to the European Commission (Barrot) in attendance, regarding safe and energy efficient public transportation during the forum *Políticas urbanas para ciudades dinámicas* (Urban Policies for Dynamic Cities) at the CoR's 64th Plenary Session (Basque Government 2007). The Commission emphasised the need to concretise the priorities of the European Council's 1994 Summit in Essen, which includes transeuropean transportation projects such as the Dax-Vitoria link that fits into the projected Paris-Madrid-Lisbon high-speed railway connection. The project is called the 'Basque Y', which provides an example of the Basque Country's ability to effectively influence transport policy. The concept is to connect Lisbon, Madrid, Pamplona, and Paris, which gives impetus to the idea of European transport spanning across borders. Muñoa presented another speech before Commissioner Barrot at the 68th CoR Plenary in 2007 (13-14 February). Thus, the interaction between the Basque Government, ALDE, and Commissioner Barrot on transportation issues represents an informal policy channel for transportation (Basque Government 2008). The interactions between the Basque Country, whereby it represents ALDE before the Commission, supports that hypothesis that party coalitions are an effective manner for the Basque Country to represent its interests and pressure the EU institutions. The topic of party coalitions, especially ALDE, will be discussed throughout the chapter in the ensuing issue specific sections.

IV. 1. Crossborder Cooperation: Transportation & Development

Before concluding the discussion on transportation it is important to mention that there is a large degree of cooperation at the Franco-Spanish border regarding the development of transport, research, education, and economic cooperation networks within the Basque Country. The Logistical Platform Aquitaine-Euskadi (*Plataforma Logística Aquitania Euskadi*) is an important cooperation player. The Basque Country also engaged in the EU crossborder development project funded through the European Commission's Interreg IIIA programme France-Spain (2000-2006 programming period) that focused on higher education and research, and, economic development and innovation, in such areas as, industry, transportation, agriculture, fisheries, and environment (De Castro and Ugalde 2006: 247). DG Regional Policy's Interreg programmes are an example of the Basque Country's ability to maintain direct contact with the Commission. In these developmental projects, the managing authority for the programmes are located in the region and must inform DG Regional Policy, especially regarding follow-up and auditing procedures.

The Logistical Platform Aquitaine - Euskadi (PLAE) is an important policy player at the EU level, and demonstrates the Basque institutions' high degree of activism on maritime transportation development at the Spanish-French border. The group is also involved in other policy areas and they continually hold meetings involving crossborder cooperation in logistics and transportation, education, the environment, and the promotion of the Eurocity Bayonne-San-Sebastian, which is an initiative seeking to create a shared urban space promoting education, economic development, and transportation between Bayonne and San Sebastian. The Basque Minister for Transport and Public Works (Nuria López de Gereñu) met with the French vice-president of the Aquitaine regional council, Jean-Louis Carrere, in Bordeaux to discuss collaboration in transportation and infrastructure, the activities of PLAE (*Plataforma Logística Aquitania - Euskadi*), train connections, and “*autopistas del mar*.” The conception “*autopistas del mar*” involves the development of maritime transportation of goods and services, and in this case involves an efficient and stable connection between Bilbao, Pasajes (Guipuzcoa, Spain), and Bordeaux (Aquitaine, France) (De Castro and Ugalde 2006: 299). The ministers from Spanish Autonomous Communities, Euskadi, Navarre, Aragon, Catalonia met with the French regions, Aquitaine, Midi-Pyrénées, and Languedoc-Roussillon to develop a crossborder high-speed rail system and the aforementioned maritime transportation networks “*autopistas del mar*” (17 October 2005) (De Castro and Ugalde 2006: 317).

The Basque Country also passed a specific resolution in support of cooperation with Aquitaine and Euskadi for: higher education, technological centres and innovation, economic activity, training, and culture (BOPV number 220 - Resolution 27 October 2005) (338). The most relevant event involving the EU was the Second International Forum of Transportation and Logistics of the Atlantic Arc (22-23 November 2005) in Bordeaux, which PLAE organised whereby the European Commission General Director of Transportation and Energy, François Lamoureux, participated in the event. Accordingly, the forum marked the salience of the representational channel existent between PLAE and the Commission in which each organ can present their positions. Further proving the existence of a policy avenue between PLAE and the Commission concerning “*autopistas del mar*”, Muñoa had a question and answer session with European Commissioner of Fisheries and Maritime Affairs, Borg, during the CoR’s 72th Plenary Session. They discussed maritime transportation and inquired on the Commission’s evaluations. Thus, there is a connection between the Basque Government and the EU (Commission and CoR) in terms of transportation policy both ground and maritime, which is pending transfer.

V. Research, Science & Technology Propelling E-Democracy, Business, and Training

Research represents a recently transferred policy area in which the Basque Government has a large degree of expertise and due to their resources; they are able to have an impact on EU policy by maintaining contacts with EU officials. This section also supports the hypotheses that the Basque Country seeks EU representation in economically beneficial policy areas, and their expertise correlates with areas where they seek EU representation. R+D+i (scientific research, development, and innovation) are fundamental principles underpinning technological development in Europe. The formula signifies that the sum of research, development, and innovation leads to progress in the EU. The Basque Ministry of Industry, Commerce, and Tourism, actively promotes the EU wide plan R+D+i through information society. The said Basque ministry regulates aid that is allocated to economic and commercial promotion, and the Basque Government introduced new aid plans for the EU funds to be dedicated to development, investigation, and technology directly to DG Competition on 21st June 2005 (De Castro and Ugalde 2006: 281). Research and development are extremely salient policy areas due to the fact that they have recently been transferred (2008) to the Basque Country from the central state (El País 2008b). Information society is related policy area where Euskadi greatly contributes at both the EU and international levels, which was revealed through the interviews with Basque officials from the PNV who represented the Basque Government position and the European Parliament.

The respondents highlighted the Basque high level of institutional participation in and their extensive networks for information exchange and the spread of ideas.⁴

The Basque institutions are highly active in research, development, and innovation, especially pertaining to technology and business. According to an official from the Spanish unit of the Commission's DG Regional Policy, the Society for the Promotion and Reconversion of Industry (*Sociedad para la Promoción y Reconversión Industrial* - Spri) is an extremely important arm of the Basque Government and exerts effective influence on the Commission through its lobbying efforts (Interview, Commission - DG Regional Policy - Head Spanish Unit, Brussels, 2007). The Basque Government created Spri in 1981 to encourage Basque industrial development through a network of businesses throughout the Basque Country. It is a public institution supported by the Basque Government and has a developed international network, which connects Basque business and industrial interests to European and international actors. It is explored in the following paragraphs due to its fervent activity and effective influence, namely on the Commission. It forms an instrumental lobbying channel for industrial policy and can impact the Commission through its contacts.

Spri's annual meeting that took place in Bilbao (2005) demonstrated its wide-ranging international network of associations and contacts. The goal was to promote information exchange relating to Basque business exports and commerce in collaboration with its permanent offices, which are located in ten countries⁵ and its various local agents⁶ (De Castro and Ugalde 2006: 288). A Commission civil servant with DG Regional Policy who previously worked for Spri, attested to the association's assertiveness of its lobbying efforts at the EU level (Interview, Commission - DG Regional Policy - Head Spanish Unit, Brussels, 2007). The respondent argued that it has regular contact with the Commission and has an impact through its lobbying contacts. The Basque European Parliamentarian from the PNV also stressed the weight of SPRI for lobbying and having influence on certain industrial policies in the EU (Interview, European Parliament - PNV, Brussels, 2007). Thus, it appears to be an EU-level policy player with a large degree of weight. Spri presented its strategy "Biobask 2010" at the 62nd plenary session of the CoR, which is notable due to its direct participation in the CoR through the Basque Government (De Castro and Ugalde 2006: 337). Thus, the interviewee from the Spanish unit of DG Regional

⁴ Interviews: European Parliament - PNV, Brussels, 2007; Basque Government - EU Affairs, Bilbao, 2006; Basque Government - PNV External Affairs, 2006.

⁵ The Spri permanent offices located in: Poland, the Czech Republic, USA, Brasil, Mexico, Chile, Argentina, Venezuela, Cuba and China

⁶ The Spri local agents are located in: France Germany, Italy, UK, Hungary, Turkey, Korea, South Africa, Morocco, and Egypt.

Policy, supported by the reference from the yearbook's empirical listing of meetings between Basque institutions and EU policy players, affirm that it is possible for a variety of interest groups to have regular contact with officials at the EU level, which frequently entails speaking with them about pertinent issues. Therefore, their interaction has a bearing on influence because they share expertise and policy positions.

The Basque Country is notably active in information society, which encompasses a wide range of technology-based topics, including e-democracy. Information society is related to Spri because it has a concentration of members that are businesses that support development technologies. For example, Tecnalia is a technological research centre and a crucial lobbying body that the Basque institutions rely on to influence the EU policy process. Tecnalia works closely with the Basque Government through Spri engaging in research related to technological innovation. It consists of the following technological centres: Azti, European Software Institute (ESI), Fatronik, Inasmet, Labein, Neiker and Robotiker to promote Basque technologies. Its activities focus on innovation and technological development of businesses, but additionally, it investigates a wide range of issues, including biotechnology.

The meetings of the working group on e-democracy at the EU level provides evidence that the Basque Country participates and influences at the EU level in this policy area. An interviewee from the Basque Parliament revealed the Basque Country's influence and involvement in information society and e-democracy, especially within Calre, and documented evidence coincided with the respondent's claims.

An e-democracy working group meeting took place in Bilbao and numerous participants represented Basque entities that habitually lobby the EU institutions and prepare indicators for the working group coordinated by Calre. For example, Cifal Bilbao, Tecnalia, the University of Mondragón [located in the Basque Country], and two representatives from the Basque Parliament, one of which was the aforementioned interviewee (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006).

The respondent stated that she was present at the meetings, and her testimony underlines the link between the IROs and the Basque institutions, which work together at the EU level. The technology-based institutions also cooperate with the interest group, It4All regarding e-democracy, where Basque institutions have a high degree of activism and visibility. Thus, the meeting demonstrates the strong link between the above mentioned technology-based institutions – funded and principally run by the Basque Government – and their ability to adjourn meetings with EU officials. The links stated herein combined with those described in chapter four, reveal the ability of the Basque Government to mobilise the network in favour of its policy preferences.

E-democracy is a key focus of the preparatory events for the World Summit on Information Society (WSIS), which was discussed in chapter four. It will be revisited to provide examples of the Basque Government's involvement at both the EU and international levels through Cifal, and to reveal the concerted efforts of several IROs therein. Basque institutions participated in various meetings, and this activism reveals both the importance of the network amongst these institutions concerning information society, and their ability to mobilise at the EU level. Cifal Bilbao collaborated with several IROs, Basque entities, and EU officials surveyed in chapter four, including the a) Delegation of Euskadi, b) the European Regional Information Society Association (eris@), c) It4All, d) Unitar, e) CoR, and, f) the information society section of the Commission. Commissioner Reding is head of issues related to information society. The aforementioned six institutions were in constant contact in preparation for the WSIS conference on both EU and international levels. Thus, they symbolise a representational channel for information society whereby policy players in the network can share ideas. The Basque Minister of Industry, Trade and Tourism met directly with Commissioner Reding along with representatives from It4All and Unitar.

On a larger international scale, there were other events including Spri and Cifal Bilbao again promoting WSIS in Dakar and another two events with the same objective took place in Tunis and Peking, and thus, they demonstrate the Basque Country's involvement and established contacts in terms of information society. As mentioned, regular contact with officials increases the opportunities for them to influence policy because they are able to share perspectives. The Basque Country was also able to present the WSIS programme directly to EU Commissioner Reding, which shows direct Basque Government intervention including Spri, and thus, verifying the previous comments from the Commission interviewees. Mikel Anton, Director of European Affairs for the Basque Government accompanied by Juan José Duque (Spri), and the director of the Delegation of Euskadi in Brussels (Ibon Mendibelzua) presented the WSIS programme to the European Parliament in Strasbourg. EU Commissioner Viviane Reding expressed the EU's positive support and contributions of the Basque representatives, and hence, gave visibility to them.

Cifal Bilbao presented 'Strategies of electronic government for European regions and cities during the Regional European Conference in Leipzig to prepare for the WSIS, and the president of the Basque Parliament, Izaskun Bilbao, represented Calre at the conference. Hence, the Basque Country is also a leading actor, not only in the information society network, but also in Calre. IROs, such as Eris@, and several regions also form part of the informal network,

including: Aquitaine, Nord-Pas de Calais, Piamonte y Lazio, Extremadura, Saxony, Blekinge (Sweden), and Karelia North (Finland) as members of Eris@, and thus, providing evidence to support the argument that regions combine their efforts to put pressure on EU policy and decision making. Further supporting the Basque Country's promotion of technology and e-Democracy within the EU and internationally. The Basque Government and Parliament presented its programmes "Demotek" (electronic voting system) and "zabalik" (an institutional database) at the World Forum on e-democracy in France (De Castro and Ugalde 2006: 310). Thus, the Basque Government is an international policy player in terms of e-democracy.

Further advocating the Basque Government's reliance on ALDE, Muñoa presented a speech representing ALDE before Commissioner Reding in October 2006. The speech supports the hypothesis concerning the ability of regional officials to maintain direct contact with EU institutions through party coalitions. Reding has made advancements to modernise governance of media in Europe regarding the standards that regulate audiovisual policies. Muñoa focused his speech on the Television without Frontiers Directive, which emphasises the decentralisation of the industry and the promotion of regional languages. His speech ended with an announcement and an invitation to Commissioner Reding to attend the General Assembly of Circom (European Association of Regional Television)⁷ in Bilbao 2007. Circom is an European audiovisual network that includes 376 public regional television stations from thirty-eight countries. It promotes members collaboration, co-production of programmes, and strengthens training from journalists and technicians across Europe (Circom 2007). It is noteworthy that the Basque Country is active with regards to television and media because they represent competency areas that were transferred to the Autonomous Communities and an area where the Basque Country has a wide range of expertise. The Basque Country has its own public broadcasting service *Euskal Irrati Telebista* (EiTB - Basque Radio and Television), which is a salient media group that has both European-wide and international programming. It is an Basque institution that is able to lobby at the EU-level. The previous section identified Basque participation in conferences and interventions with EU officials and interregional organisations to impact EU wide policy. Their level of impact is unclear, but they demonstrate a high level of activism and are able to defend their views and collect information.

Before continuing to explore the various policy areas in which the Basque Country is able to have direct contact with the EU institutions, I will briefly discuss their assertiveness in promoting business and training, and the latter of which corresponds with a policy area pending

⁷ see website for more information: <http://www.circom-regional.org/> (accessed 5 June 2008)

transfer. Marian Elorza a director from the Basque Department of Industry, Commerce and Tourism, announced the opening of the Basque Government's first "Basque centres" to aid Basque businesses on 1st December 2005 (De Castro and Ugalde 2006: 343). Since then the government has been involved in opening Basque centres and delegations in South America to promote international networks. Spri is also involved in establishing Basque business centres in the new EU member states and internationally in China and Mexico.

The Basque Country is also highly involved in issues of professional training and employment and met with the respective EU commissions. The Basque and Spanish ministers for education met with Jan Figel, the EU Commissioner for Education, Training, Culture and Multilingualism, (Brussels, 16 November 2005) to interchange ideas to promote the Basque Plan of Professional Training (De Castro and Ugalde 2006: 337). On another occasion, Ana Aguirre, the Basque minister of Industry, Commerce, and Tourism formed part of the Spanish representation in the Council of Employment, Social Policy, Health, and Consumers (EPSCO) in Brussels. Additionally, she represented the Spanish Autonomous Communities in the EU Council of Ministers concerning consumer protection for the 2007-2013 period (De Castro and Ugalde 2006: 345). Hence, the Basque Government regularly holds meetings with EU officials to exchange ideas on specific policy areas that are pending transfer from the central state, which supports the previously mentioned hypothesis. Education is one such policy area, but one in which the Basque Country already has a large degree of autonomy.

VI. Alde & the Basque Country: Reacting through a Party Coalition

As previously stated, the PNV's membership in ALDE has facilitated informal channels to interact with EU officials, which has permitted direct meetings between the Basque Government through Muñoa and the members of the EU institutions. Therefore, through these opportunities to discuss issues, the Basque Government was able to have direct contact with the EU institutions. Muñoa presented a speech representing ALDE before Commission President Barroso during Barroso's presentation of the Commission's 2007 working programme (6-7 December 2006). The policy areas correlate with those where the Basque Country has a large degree of expertise and is an international policy player, or are highly salient economic issues, and some of the areas are pending transfer, i.e. employment and training. He highlighted the following priorities of ALDE before Barroso: a) the Lisbon strategy and the creation of capital and employment to reinforce competition and businesses bases on the European level, b) the

development of the European social dimension, particularly European integration and immigration, c) energy efficiency and policy adoption on climate change, and finally, d) security, justice, and citizen protection. Referring to the latter point, Muñoa demonstrated his support to the EU institutions for accounting for Euskadi's competencies. He also stated ALDE's support for the Treaty of Lisbon. To strengthen coordination amongst regional coalitions, Ortuondo and Muñoa engaged in a meeting between ALDE in the CoR and the European Parliament to exchange points of view on the principal issues on the European political agenda of the ALDE members in the CoR and the European Parliament (Basque Government 2007: 15).

Another important event that took place was Muñoa being named vice-president of ALDE to the CoR. Muñoa represented the Association of European Border Regions (AEBR)⁸ before Commission Vice-President Verheugen and Commissioner Hübner from DG Regional Policy. The objective of the last event was the necessity to give regions and municipalities a greater role in the development and implementation of the growth and employment strategies. The strategies were first established in the European Council summit in March 2006, which sought to give impulse to the Lisbon Strategy. Muñoa has further proven his salience as the Basque Government's ALDE coalition member presenting a speech before Luxembourg's Prime Minister, Juncker, during the CoR's 70th Plenary Session (6-7 June 2007) (Basque Government 2008). Concerning additional interactions between the Basque Government and ALDE, in 2007 three of those involved the CoR, ALDE, the PNV, and other political groups, which took place in Brussels and the Basque Country (*see* Basque Government 2008: 17-32). The events reiterate the salience of the coalition as an entry point for the Basque Government in the EU and its cooperation with other political parties.

VII. Basque Country Involvement with Plan D

Plan D is a Commission objective signifying democracy, dialogue, and debate, which was officially launched by the Commission in 2005 by Vice-President Wallström with the idea of bringing the EU and the citizens closer together. Euskadi's activism towards Plan D reiterates the salience of ALDE in forming informal policy channels during a meeting with Commission Vice-President Margot Wallström, Muñoa gave a speech representing ALDE (June 2006), which principally focused on encouraging democracy and public debate to build consensus on the future direction of the EU. The CoR also participated and demonstrated its support for the promotion of Plan D and its collaboration with the Commission on it. Therefore, the Basque Government actively participates and is able to exert pressure on the Commission and the CoR

⁸ <http://www.aebr.net/>

through ALDE. The Basque Government widely supports the principles, and as proof they organised a conference in the Guggenheim Museum, Bilbao 11-12 April 2006, which attracted many representatives from the Commission (Basque Government 2006; European Commission 2005b). As asserted, the previously mentioned conferences and meetings are an ideal manner for regional authorities to have an impact on EU policy.

As a follow-up, the Basque Government presented its ‘Stand on Plan D’ (*Stand sobre el Plan D*) in the CoR, which led to an informal meeting between Commission Vice-President Wallström and representatives from the Basque institutions.⁹ In addition, Muñoa presented “The New Policy of European Communication and Plan D – Democracy, Dialogue, and Debate”, which elaborated on Plan D. Muñoa, representing the Association of European Border Regions (AEBR) before Commissioner Wallström, affirmed the existence of the regional differences in their structures, competencies, and legislation that complicate crossborder cooperation. There are a plethora of organisations with which the Basque Country collaborates to achieve their policy preferences and gain wide ranging support, which points to the accuracy of the lobbying maximisation hypothesis. However, the commissioner asserted that the EU, nor the national governments, can resolve the harmonisation of regional differences. Crossborder regions can prove a key to solve the issue of regional disparities through the development of bilateral or trilateral national structures and competencies. Thus, Wallström proposed the establishment of a standing committee in the European Parliament to deal specifically with border issues. She also added that each member state must create a direct line of access so that its citizens can express themselves in their mother tongue. The involvement of the Commission with regional issues reflects its openness to regions, giving greater visibility to crossborder regions. In addition, the meetings described above reflect the Basque institutions’ effectiveness in reaching the Commission.

VIII. Milk Quotas

Milk production quotas form a salient area for EU policy because its production is the most important agricultural activity in the majority of member states, but also because it is a sector that also varies amongst states and regions (European Commission 2002b: 4). The lactic products with the greatest weight in the market are cheese and fresh milk (European Commission 2002b). Thus, milk quotas were created in 1984 to create equity in the market amongst member states because they are individually responsible for the distribution of quotas within their

⁹ The Basque officials involved were Muñoa, Mikel Anton director of European Affairs, and Ibón Mendibelzua who is the director of the Delegation of Euskadi in Brussels. The meetings took place from the 14th to the 15th June 2006.

territory. Some member states allow for the market to regulate quotas (*laissez faire*) and others opted for the strict administration of quotas, or called for public tenders for the quotas, i.e. obliged producers who wanted the subsidised contracts to send estimates to the member state managing authority in charge of the programme (European Commission 2002b). Nonetheless, the member states individually distribute quotas with the objective of sustaining the producers' prices, and, simultaneously, controlling production costs. Thus, the EU engages in restrictive measures to sustain production prices, whilst controlling production and spending (European Commission 2002). Spain was able to make adjustments raising its quotas by 1.6 million in the commercialisation campaign during the 1993-1994 period (European Commission 2002b). The Commission's working document on the milk quotas offers a starting point for an exhaustive revision of the milk sector in the European Community (European Commission 2002b). Therefore, the document offers an opportune moment for the Basque institutions to make their perspectives heard before a concrete Council regulation is in place.

The EU sets the member states milk production quotas to be coherent with the objective of article 33 of the treaty (European Commission 2002b). For reference purposes, the Council regulations that refer to milk consumption are Council Regulation (CE) 2579/97 and Council Regulations (CEE) 856/84 and (CEE) 857/84, which were modified and substituted for Regulation (CEE) 3950/92. Both Basque Parliament respondents - from distinct political parties - asserted that the distribution of milk quotas is an instance when the Basque lobby was able to exert pressure to affect the EU policy outcome¹⁰ (*see also*: Europa 2007a; European Commission 2002b). The Basque parliamentary interviewee underlined the milk production quotas as an EU policy area that the Basque Country was able to influence through informal representational channels.

the milk quotas are in place so that EU regions cannot produce as much as they want. In addition to production, quotas are also in place for packaging. Due to Basque pressure, they attained exemption of quotas for exportation. Furthermore, all the quotas would be determined and distributed by the Basque Government. Normally the state receives a fixed quota, and later distributes it, which is the case in the rest of Spain, and in the other EU member states. [...] The Basque Country has a very interesting system whereby large producers accept all the quotas, and here in the Basque Country, it's distributed more effectively and efficiently, and this was elaborated and obtained at the EU level. Therefore, the Basque Country is an exception with respect to the quotas in the other member states, this is clear (*stamps his hand*) (Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006).

The interviewee revealed that in order for Euskadi to be able to obtain competency in terms of

¹⁰ Interviews: Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006 ; Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006

the milk quotas, the Basque region argued to the Commission that it required special exception due to its economic reliance on production and the fact that the Basque Government has competency within Spain to allocate all production and packaging quotas. Hence, in the case of milk quotas the interview claims are supported by EU policy documentation to support the fact that the Basque Country was able to have an impact on policy.

IX. Euskera, Language, and Culture

As disclosed in the interviews, the Basque Country influenced the recognition of Euskera - amongst other Spanish minority languages - in the EU. European Council decision (2005/C 148/01 - 13 June 2005) recognised the use of Euskera, Gallego, and Catalan in the EU institutional organs. Additionally, the CoR 62nd Plenary Session (2005) revealed an impulse towards acknowledgement through the forum and the use of minority languages. It represented the first time that the Basque, Catalan, and Galician governments could speak their regional languages during the CoR meetings.

As the previous chapters asserted, there is a greater level of cooperation with the Autonomous Communities since the Zapatero presidency in several policy areas. A European Parliament member from the PNV illustrated the greater level of cooperation regarding language with the change in government from Aznar to Zapatero. He reveals that the new presidency initiated the use of Euskera in the EU organs.

Zapatero was in favour of writing in Euskera to the Council, the Commission, the Committee of the Regions, and in the European Parliament, additionally, one can speak in Euskera and in the European Economic and Social Committee (EESC). The Socialists facilitate the use of Euskera, and before with Aznar, it was prohibited. Aznar was against the differentiation of Euskera, and on 15 March [2004], after the terrorist attack, and I was here in Brussels voting, and there was a change of ambient from one day to another with the change from the Popular Party to the Socialists. Before, there was a permanent tension and on the 15th there was a fresh start (Interview, European Parliament - PNV, Brussels, 2007).

His comments appear to reflect a wide-ranging belief amongst the PNV that they perceived a greater level of cooperation with Zapatero's Socialist government. The change in government in the Basque Country in 2009 when the Socialists won, should also demonstrate a more wide ranging cooperation if the hypothesis is correct in that party coalitions can lead to increased cooperation. Accordingly, the Autonomous Communities who are dominated by the Popular Party would perceive less coordination of their policy preferences.

Regardless, the use of Euskera and other Spanish regional languages demonstrates a policy area where Basque pressure was able to have a relative impact through their lobbying efforts. Miguel Angel Moratinos, the Basque Minister of Foreign Affairs, and Jack Straw, his British counterpart signed an agreement (7 November 2005) on the use of Euskera and Gallego in the following instances:

- a) legislative texts adopted through codecision
- b) citizens can send letters to the EU Council of Ministers
- c) when Autonomous Communities present issues in the Council for the Spanish central state.

Their meeting reflects the Basque Country's ability to engage in foreign affairs and their activism in language issues.

The PNV Europarlamentarian explained the recent directive, which allowed the use of Euskera in the EU, stating that its use is important to ensure that the citizens can interact with the EU, but he also justified its limitations due to the already numerous languages in use at the EU level.

The citizens cannot write directly to the EU institutions due to the existing overload of languages. They can send a petition in Euskera and the central government then translates the petition to Castilian Spanish. Therefore, the Spanish central state is responsible for the translation and the costs, and it does not have legal validity without the Spanish government's advocacy. There are twenty-four EU languages, and currently there are indirect translations whereby the translation is firstly to English. If the first translation were not English, then there would have to be direct translations to all the minority languages, which would impose an overabundance of translators and interpreters in the EU (Interview, European Parliament - PNV, Brussels, 2007)

Thus, the Basque Country was able to make a large degree of headway with regards to the use of Euskera, however, the interviewee advocates its importance for the citizens – and Basque politicians - to express their concerns and perspectives to the EU, rather than, its functional use. Nonetheless, one notable change in CoR policy caused through Basque pressure was the use of Euskera in the CoR's plenary sessions, which began in 2005, which reflects the Basque institutions' actual impact on EU policy.

The Basque Government relies on ALDE to exert pressure on the EU institutions in terms of language. The Basque Government is active with the stimulation of multilingualism in the EU. Muñoa gave a speech before the Commissioner of Multilingualism on 10-11 October 2007 (Basque Government 2008) and acted as the representative of ALDE in the CoR in support of minority language. It is noteworthy to mention the hypothesis that the Basque Country primarily concentrates its efforts on economically salient policy areas. Although language is a culturally

rooted policy areas, promoting language and training to heighten competitiveness, adds an economic focus to a cultural factor, and thus, raises its visibility concerning economics.

The Basque Country participates in both European and international arenas regarding the promotion of Euskera. Utilising the year 2005 as an indicator, there were numerous delegations and conferences between the Basque public institutions and European universities to promote Basque language, culture, and history in Berlin, Helsinki, Rome, and Warsaw. The document 'Future of Linguistic Policy Plan 2005-2009' (*Futuro de la política lingüística Proyecto 2005-2009*) was a programme to promote Euskera in collaboration with public institutions in the French Basque Country (*Iparralde*) and Navarre, including Basque cultural centres and universities (De Castro and Ugalde 2006: 349). In addition to activism in Europe, there were several efforts to collaborate with universities to establish Basque linguistic and cultural study programmes in primarily North and South American countries. Regarding cultural promotion and interregional cooperation, the International Conference on Cultural Politics (14-15 November 2005) was held in Bilbao and included the participation from diverse cultural entities internationally from Quebec, Catalonia, Galicia, Aquitaine, and Minnesota (USA) (De Castro and Ugalde 2006: 334). Therefore, as one of the hypotheses asserted, Euskadi collaborates with other regions to exert concerted pressure amongst various regions, or gain expertise through the sharing of experience with other regions. This section provided evidence addressing the high degree of Basque activism in cultural politics, although the clearest example therein was of impact on policy was the recognition of Euskera in the EU institutions. The following section will focus its attention on fisheries whereby the Basque Country was able to have a direct impact on policy.

X. Fisheries & the Anchovy Case

Although fisheries is not a highly profitable economic sector, it is a policy area in which the Basque Country has a large degree of expertise and a prestigious marine investigation centre, Azti. Consequently, it is a policy area where the Basque institutions have had an impact on policy through its research and investigation, and notably, marine inspection is a policy area that is pending transfer. It is important and controversial because the EU largely regulates fisheries, which is a traditional sector in the Basque Country, especially anchovy fishing whereby scientific evidence has suggested species endangerment. Additionally, research became an exclusive Basque competency in December 2008, thus, although 'marine inspection' is pending transfer 'investigation' has been recently acquired. According to the PNV Europarliamentarian,

the European Parliament dealt with a direct proposal from the Basque Department of Agriculture, Fisheries, and Food and the Department of Industry, Commerce, and Tourism regarding anchovy fishing (Interview, European Parliament - PNV, Brussels, 2007). The ensuing section evaluates his claims.

Fisheries is a complicated policy area where competing interests are at stake amongst several institutions and topics of concern. The EU Council is the principal institution responsible for the distribution of fishing quotas amongst member states (El Economista 2006b). The Commission through its Fisheries Directorate General also has a large degree of competencies concerning the establishment of fishing quotas amongst member states and geographical areas. Within fisheries, the most important fishing sector lobbies are tuna and anchovies (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). A respondent from the law department at the University of the Basque Country highlighted the strength of the Basque lobby to protect on-shore fishing boats used for anchovy fishing (Interview, University of the Basque Country, San Sebastian, 2007). Regarding the numerous concerns and parties involved, the respondent from the presidency of the Basque Parliament illustrated the fact that there are also economic interests of the Spanish central state at stake, which complicates matters because the Ministry of Agriculture of the Spanish central state in Madrid (*Ministerio de Medio Ambiente y Medio Rural y Marino*) must be just as concerned with fisheries in Euskadi as those of other coastal areas i.e., Asturias, Cantabria, Galicia, Andalusia, Valencia, and Catalonia (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006). Hence, the interviewees illustrated the obligation of the Spanish central state to represent numerous actors and policy players within its diverse fishing waters.

The closure of fishing quotas is a controversial subject amongst the Spanish and French fleets in the geographical area of the Bay of Biscay. The key issues at stake are: a) the conflict between the traditional Basque coastal fishing areas in Spain and France (El País 2007), b) the French selling their fishing quotas to Portugal, and, c) the dispute over experimental fishing. The latter concerns the Spanish or Basque claim that the French are taking advantage of experimental fishing to maintain revenues from the sale of anchovy, caught “experimentally.” Thus, these aforementioned policy areas will be discussed, and in addition, other instances when Euskadi had direct relations with EU officials through interregional organisations and / or expert advice.

Council decision 585/2004/EC gave greater visibility to substate entities through its creation of seven Regional Advisory Councils (RACs) that promote the participation of representatives from

the fisheries sectors and interest groups in the formulation and management of EU fisheries policy, according to geographical areas (European Parliament 2005). In this respect, the RACs are empowered to make suggestions to the Commission and national authorities (Europa 2007b), and hence, further exemplifying the Commission's openness to external expertise. The Calre interviewee commented on the importance of representation in the Coreper while simultaneously stating its prevalence in Belgium.

to have influence in a policy area, i.e. fisheries, the region must be involved in the preparation of the decision and the preparation of the decision is the working group of Coreper. For example, when issues were discussed in the Fisheries Council, Belgium only presented a representative from Flanders, with no representation from the central governmental level, nor from Wallonia. So, it was prepared by the Flemish government in the committees, and then at Coreper, and then at the Council, which is what the Basque Country is trying to do, to participate in Coreper to have a say in the final decision (Interview, Calre former official, Brussels, 2007).

The interviewee divulged that Belgian regional authorities can separately defend their interests in the Council of Ministers meetings for fisheries. Notably, the interviewee supports a point mentioned earlier in the thesis that, although the Council is not the only EU organ responsible for policy and decision-making, it is the most efficient and effective way to have a clear impact on EU policy. It is also notable that there are competing levels of jurisdiction – as MLG theory asserts – whereas in certain policy areas, the Council of Ministers is the main body responsible, in other areas, the Commission, and in other areas, the member state. This work has argued that soft power through lobbying has had the greatest impact on areas where the Commission has jurisdiction.

The EU set up regional consultative bodies to better monitor fishing waters by managing them at the local level, which will be discussed in the ensuing section. The former secretary general of Calre justified the inclusion of the local level in EU politics asserting that:

it is not possible for the EU to deny cooperation between central and regional levels in fisheries policy because issues that affect the environment have wide ranging implications. It has to be monitored at an extremely local level to be able to determine changes in stocks (Interview, Calre former official, Brussels, 2007).

His assertion explains why the Commission set up geographically specific advisory bodies to monitor the situations in specific sea areas (Regional Advisory Councils - RACs). He highlights the large degree of externalities that environmental factors can have on other sectors. Both Spain and the Basque Country are notable policy players that inform the RACs. In fact, Spain is home to the secretariat's headquarters. Accordingly, representatives from Madrid, Galicia, and the Basque Country have headed the Regional Advisory Council of long distance fleets (European Parliament 2005). I will briefly describe the structure of the RACs because they demonstrate the

visibility of regions and form representational avenues for the regions to influence policy. Basque institutions regularly lobby the EU, primarily due to the fact that research centres, such as Azti (part of Tecnalia) carry out a large number of maritime investigations, which are presented to the EU institutions, as expert advice. Each RAC has a general assembly of up to twenty-four members and an executive committee (Europa 2007b). RACs can also set up a secretariat and working groups to investigate specific issues of special interest to regional entities (Europa 2007b). The seven RACs, created between 2005 and 2007, cover the following seven policy areas: Baltic Sea, Mediterranean Sea, North Sea, North-western waters, South-western waters, Pelagic stocks (blue whiting, mackerel, horse mackerel and herring) in all geographical areas, and long distance fleets (high sea fleets) (Europa 2007). Above all, they serve as entry points for substate entities to present their perspectives through informal meetings and conferences.

The regulation of on-shore and industrial fishing is an issue of controversy with regards to the Basque fleet. There are two types of fishing fleets, the coastal fishing fleet (*flota de bajura*) and the distant water fishing fleet (*flota de altura*), the latter of which is normally used for industrial fishing. The traditional form of fishing in the Basque Country is *bajura* or coastal fishing, rather than industrial fishing. Although the Basques are still active in industrial fishing, the regulation of *lanchas*, small fishing boats, has been a controversial issue between the French and the Spanish fishermen in the Bay of Biscay because on shore fishing is progressively disappearing in favour of large scale industrial fishing. The interviewee from the University of the Basque Country respondent maintains that, although the Basque Country is able to lobby some policy sectors effectively, it is extremely difficult to influence policies on inshore fishing because it is such a small economic sector (Interview, University of the Basque Country, San Sebastian, 2007).

In consideration of the aforementioned hypothesis, the Basques lack the administrative power to have a compelling impact on the on-shore fishing fleet policy area. The interviewee from the Commission's Directorate General of Fisheries, acting as a specialist in charge of Spanish policy, denied the strength of the Basque fishing lobby and explained that fishing encompasses a small sector of the economy (Interview, Commission - DG Fisheries, Brussels, 2008). Hence, it may be the case that the Basque Country is highly active, but lacks power to influence due to the sector's lack of finances to mobilise a large degree of personnel, thus it may be active but not highly influential. He further stated that the small economic importance is the principal reason why the Basque fishing lobby is not expressly influential at the EU level. Nevertheless, the

respondent confirmed the hypothesis - stated in chapter four - concerning the power of RLCs that they concentrate and channel their resources acting together through IROs, claiming that

the lobbying power of fisheries is greatly increased if the regions pool their interest and cooperate either through the central state or through interregional organisations. The regions can also hold conferences whereby they participate with other regions to spread information about given issues. For instance, there were various conferences held during the CoR's The Open Days 2007 conference sessions that concerned fisheries and included several coastal regions throughout Spain and the EU (Interview, Commission - DG Fisheries, Brussels, 2008).

Conferences and meetings are mediums by which regions can collaborate to spread information about issues that interest them to be able to inform politicians or EU officials about their perspectives and knowledge on the issues, and in effect, attain greater visibility on issues that affect them. Therefore, it appears to be the case that the Basque Country is highly active in several policy areas, but it is difficult to pinpoint its actual impact on some of those areas, as stated in chapter four. However, we must also acknowledge that there were clearer effects on a number of policy areas that are discussed in this chapter.

The following paragraphs provide examples of the Basque Government's efforts to both create networks with regions in other states, to achieve a degree of power through their investigative centres. It proves that they have a variety of contacts that can be mobilised to put pressure on the EU institutions, which in turn supports the lobby maximisation hypothesis. It also provides evidence to support the assertion that the Basque institutions can present their initiatives at the international level, which makes them an international policy player. The Basque Government's Department of Agriculture, Fisheries and Food was sent to Italy to promote Basque Business there (De Castro and Ugalde 2006: 230). His trip provides evidence of their active European lobbying role. At the international level, the Basque ministry of fisheries also signed an agreement with the Filipino Department of Agriculture's Bureau of Fisheries and Aquatic Resources (BFAR) with the participation of Azti Tecnalia (the previously mentioned Basque centre), which the Basque Government chose to head the negotiations. The primary research areas for the cooperation and agreements are: 'biotechnology, food technology, sustainable management of marine environment, aquaculture and responsible fishing' (Business Mirror 2009). Although fishing may not be an economically salient policy area, research on the aforementioned areas may be highly advantageous economically, and thus, be an objective and explain the high level of activism of the Basque institutions.

EU players have vested interest in policies one way or another, i.e. they need EU subsidies for fisheries or they may be concerned about revenues generated from fishing. Thus, as an interviewee from the Spanish permanent representation stated:

the Basque Country presents its demands directly to the EU through scientific evidence. For example, concerning anchovy fisheries, scientific evidence sustained that there was a shortage of fish stocks, however, there was testimony from other sources asserting that there were sufficient stocks. This is a relevant example of the variety of perspectives and issues that affect the member state and member regions' decision or presentation of the evidence (Interview, Spanish Permanent Representation, Brussels, 2008).

The interviewee's testimony reveals the complexity of EU decision-making and the wide range of actors and interest groups involved therein. Although also related with agriculture and interregional organisational support, *Estudios Aguapescaderos de Nekazal Ikerketa eta Teknologia* (IKT) presented evidence to the Commission, which is representative of Basque influence in the institutions through expert advice. IKT met with DG Competition, Cpmr, and government representative from several regions (Basque Country, Wales, Scotland, Catalonia, Andalucía, and Asturias) to discuss the future of the Structural and Cohesion funds (De Castro and Ugalde 2006: 265). The meeting is an example of both the direct cooperation between the Commission and the regions and the network of IROs whereby the Basque Country is able to express its policy position. The same Basque fisheries institution was involved with the European Economic and Social Committee (EESC) and Euromontaña in the drafting of a letter about agricultural mountain products "*Carta Europea de Productos Agroalimentarios de Calidad de Montaña*" (De Castro and Ugalde 2006: 269). It is challenging to determine influence, but it is obvious that the Basque institutions have a large degree of contacts.

Nonetheless, the Basque impact on anchovy fishing quotas is a relevant example of Basque influence on policy. Returning to the issue of "experimental fishing", the Basque Country expressed scepticism about the EU's decisions regarding the number of sea vessels allowed to engage in experimental fishing and the transfer of quotas from France to Portugal (El Economista 2006c). Thus, there were a series of discussions between the Basque Country, France, the Spanish Government, and the EU. The Basque Country claimed that the French were selling their "experimental" fishing quotas, which was a breach of EU regulations because they were profiting over the situation, rather than preserving stocks. To the contrary, the ECJ ruled on the legality of France transferring fishing quotas from Portugal, which was a ruling contrary to the Basque lobby from the San Pedro Fishing Association (*Confradía de pescadores "San Pedro"*) from Bermeo, Viscaya (Spain) (El Economista 2006b), and the first instance of the case occurred in 2002 (El Economista 2006b). The ECJ found that the transfer from Portugal to

France was not detrimental to Spanish fisheries (El Economista 2006b). Thus, the court legitimised the transfer of quotas from one member state to another (El Economista 2006b). During the court's deliberations, the Council met with the Spanish Ministry of Agriculture, Fisheries, and Food (*Ministerio de Agricultura, Pesca y Alimentación*) and its French counterpart (*Ministère de l'Agriculture et de la Pêche*) to produce a report thereof. The interaction of the Basque institutions with those of the EU demonstrates their ability to present their perspectives in the form of expert advice.

A Basque Parliament member from Ezker Batua-Berdeak argued that the Basque Country can directly represent its interests in the EU through working groups and in the form of expert advice.

The Basque Country's experts determined that due to the depletion of fish stocks, it was necessary to stop fishing. Scientific studies and communiqués revealed that the anchovy species was endangered and would not be able to reproduce and that it needed time to regenerate. Thus, the Basque Country lobbied the EU regarding the admissive capture of the anchovy. Nonetheless, Madrid negotiated with France and fishing in the Bay of Biscay continued. Madrid did not take the Basque scientific studies on the depletion of stocks seriously. The incident demonstrated that initially the Basque Country's expert advice was not accounted for, but also it demonstrates the power of expert advice's influence on the EU policy and decision-making process (Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, 2006).

His statement was also similar to the account provided by the representative from the PNV from the European Parliament, and hence, increasing its reliability and validity.

Regarding anchovy fishing, the Council divided the totals for 'admissive capture'. This is a big issue for anchovy fishermen for all the member states because the species is in danger of extinction. The scientific studies reported its endangerment and inability to reproduce, so we prefer to wait a year and see, to evaluate its level of reproduction. Meanwhile, the French anchovy fishermen signed an agreement with Portugal, who in turn sold their 'anchovy fishing quota' to France, so there's a conflict of interest. Fishing was permitted, but for scientific investigation, and the French from the 15th of April can engage in "experimental" fishing for three months, and this is not EU competence, it's the competence of each member state (Interview, European Parliament - PNV, Brussels, 2007).

He states that the original result of the meeting was to continue "experimental fishing", but in the end the Council ceded in favour of the restriction of anchovy fishing in the Bay of Biscay, thus demonstrating the effectiveness of Basque pressure.

The respondents' statements concerning the impact of Basque pressure were affirmed through policy change, since the EU Council of Ministers passed a two-month testing period with the collaboration of both the Basque and the central Spanish state governments in 2005, which

remained in effect for several years (*see* El Mundo 2008). Therefore, the Basque Country can have direct impact in the form of expert advice. Initially, Euskadi had no influence, but Basque expert advice pressure caused the modification of the EU fisheries policy directive regarding the admissive captures, and thus, Basque influence has had clear effects on anchovy fisheries policy. The ensuing paragraphs give evidence regarding the final EU decisions with respect to anchovy fishing. Data supports the hypothesis that the Basque Country can impact EU policy through expert advice.

The Basque Government and the scientific institute Azti are involved in a large ecological investigation on the anchovy along with other investigation centres in France and Spain (Europa Press 2006). The Spanish central state argued that there was sufficient evidence gathered from the fishing experiment in the Bay of Biscay to make a decision concerning its state of regeneration (Europa Press 2007). The general director of Fishing resources Fernando Curcio met with the general director of Fisheries in the Commission Anatoli Komissarov to discuss the data collected in the experimental fishing ventures (Europa Press 2007). The Commission decided to wait before making a definite decision. Meanwhile, there was no agreement reached between Spain and France (Europa Press 2007). Commissioner Joe Borg agreed with the Basque scientific evidence supporting the closure of anchovy fishing in the Bay of Biscay, and additionally, he supported the creation of agreements to protect the Basque fleet (Europa Press 2006). The Basque Minister for Agriculture, Fisheries, and Food, Gonzalo Sáenz de Samaneigo, backed Borg's support for the closure of the anchovy capture until December 2007 (Europa Press 2006). The Official Journal of the European Union released the Council Regulation (21 July 2006) to prohibit anchovy fishing in the Bay of Biscay (sub-area CIEM VIII) until 31 December 2006. The Council made the decision based on data provided by the Commission's consultative organ, the Scientific, Technical and Economic Fishing Committee (*Comité Científico, Técnico y Económico de la Pesca* - CCTEP) (El Economista 2006a). Therefore, it appears that Basque institutional pressure - materialised through expert advice – had an impact on the EU's decision to close anchovy fishing.

EU Ministers approved an agreement in December 2006 for the 2007 fishing quotas that restricted fishing, but still allowed “experimental” anchovy fishing in Spain and France (Consumer – Eroski 2006). The twenty-five EU member states approved the Commission proposal for the closure of anchovy fishing until new scientific data demonstrated the regeneration of the species. Nevertheless, the Fisheries Council still allowed experimental fishing with scientists on board (El País 2006). Sáenz de Samaniego, a journalist from *El País*,

commented that although fishing restrictions and experimental fishing provide a necessary answer to the problem of the anchovy, the EU does not have a permanent solution (El País 2006). In light of evidence and arguments in Spring 2007, the EU Fisheries Council decided to continue the closure on fishing (El País 2007).

Although the Basque representatives expressed a positive assessment regarding their affect on EU policy, a representative from the Spanish permanent representation stated that there are many interests at stake in the EU policy and decision-making arena, which is an underlying concept reiterated throughout the chapter. Thus, it is extremely difficult to determine the dominance of specific entities at the EU level.

The problem with the EU is that there are many interests. The EU cannot say that fisheries policy is one particular way, but rather, it varies according to member state. It is always a game of varying tensions and compromise. However, the EU has to begin to create a common political policy. One has to realise that if the Basque Country wants to approach issues alone - which they can - they must have sufficient weight to present their demands. If for example you want to stop anchovy fishing, and you have sufficient pressure groups to represent your position at the EU level, i.e. the scientific evidence to support your position, then fine, then the evidence is sufficient and negotiation does not need to be done through member states. Nevertheless, the Basque Country could prove that there is a shortage [...] but there are other people saying that there is more than enough, and obviously there are other issues at stake like subsidies (Interview, Spanish Permanent Representation, Brussels, 2008).

Although the interviewee officially represents the central state position, she makes some interesting points with regard to the ability of the Basque Country to present its position and influence policy through scientific evidence. She also acknowledges the importance of economic factors involved in the member states' individual postures. Additionally, the respondent supports the hypothesis that a high level of administrative power facilitates a greater degree of lobbying pressure to influence EU policy.

Before discussing the final policy section on tax issues, it is advantageous for the overall argument to mention the Basque involvement with the European network of GMO-free regions, because through their involvement, they were able to have direct contact with the Commission concerning not only fisheries, but also agriculture. The Basque County is involved in the European Network of GMO-Free Regions, and they presented the network's position directly to the Commission (De Castro and Ugalde 2006: 230). The European Network of GMO-Free Regions submitted a letter to Fischer-Boel, the EU Commissioner of Agriculture and Rural Development, which was written on 2 February 2005 in Florence. Following the submission of the letter, EU Commissioner Borg (Commissioner of Fisheries and Maritime Affairs) received

Sáenz de Samaniego, the Basque Minister of Agriculture and Fisheries whereby the Basque Government was able to directly present its position focusing on the European Fisheries Fund and emphasising that non-central governments have exclusive legislative and financial capacity with regards to fisheries policies (De Castro and Ugalde 2006: 253). It is clear that the Basque institutions proactively meet directly with EU officials, however, the degree of their influence is uncertain. The most pertinent examples of their ability to influence policy concerned the use of Euskera in the EU institutions, and their bearing on fishing quotas, which were primarily due to their respective pressure and expertise. The following section discusses another instance of their affect on EU policy regarding Basque aid to businesses, which was an issue brought before the European Courts of Justice.

XI. Taxation and the ECJ

In reflecting on a question on the most important policy areas for Euskadi, a respondent from the Basque Parliament appeared to support the economic power hypothesis that posits the majority of policy areas where the Basque Country is seeking EU representation correlate with areas that have some economic benefit for them, taxation above all. The respondent also asserted that the Basque Country aims for policy areas that are essential areas for EU member states, and alludes to elements of the lobbying maximisation hypothesis.

The most important competency areas for the Basque Country are the same that a state has... Of course, Taxation is the most important because the majority of the Autonomous Communities have taxation system integrated with the Spanish central system. So, what's the problem? The Basque Government (Basque Government) collects, regulates, and manages its own taxes. We negotiate and calculate the cost of those competencies, which are exclusive areas of the central state, such as armed forces and foreign relations. In addition, those competencies that used to be the Spanish state's, but have been transferred to us, we take charge and pay for them through finances generated within the Basque Country (Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006).

A noteworthy point is that the central state can clearly make decisions at the EU level for the other Autonomous Communities because their tax systems are the exclusive competency of the central state. However, the Basque Country has an autonomous fiscal system within the Spanish central state, and thus, it must be represented to a certain degree in EU fiscal policies to respect the integrity of the Spanish central state financial system. According to the PNV Europarliamentarian, the Basque Government has direct contact with the Commission with respect to fiscal issues. He stated that the MEPs have meetings with the Commission, and representatives come from the Commission and go to the Delegation of Euskadi.

The Basque Government has continually had direct contact with the Commission since the beginning... I had interviews with the Commission because it asked to receive

someone from the Department of Treasury and they called directly and stated that they required a certain interview with the state that decides before with a politician. Nevertheless, you raise the question in Vitoria, and the Commission receives the regional EU government, thus, it is a valuable to reach out to the Commission in this form of informal meetings (Interview, European Parliament - PNV, Brussels, 2007).

Although the interviewee's account is vague concerning particular instances when the Basque representatives met with their EU counterparts, we can assert that his account is accurate, when coupled with the evidence, presented earlier, concerning the Commission's openness to outside bodies, especially in the form of expert advice. In addition, with regards to the Basque Country's ability to directly represent its interests at the EU level, there are two related court cases that demonstrate the Basque Country's ability to directly influence EU policies through their impact on ECJ decisions. The court case discussed hereafter - regarding tax credits - reveals that the Basque Country can directly defend its interests, and it also demonstrates the salience of interest group involvement in EU policy. Furthermore, institutions, such as Confebask, can directly inform the Commission due to its expertise in fiscal matters. The second court case is the European Court of Justice's (ECJ) landmark ruling, which reiterated the conclusions reached in the 'Azores case', and thus, it illustrates the EU's recognition of regions' special tax rights. As background information it is essential to state that taxation is a complicated issue in the Basque Country. Firstly, because the Basque Country has a separate tax regime from the Spanish central state - due to its historical *foral* laws - as mentioned in the previous chapters. Secondly, each of the Basque provincial governments have their own separate tax regimes, which are complementary to the Basque Government tax regime that regulates the whole Autonomous Community.

In the case regarding tax credits, the Basque provincial governments defended their right to apply tax credits to investments between 1995 and 2000. The issue gained visibility because the Commission ruled that the credits were a form of state aid that was incompatible with the common market, and they requested the Spanish authorities to recuperate the funds along with the corresponding interest. The Commission argued that the funds were discriminatory and only favoured businesses that were able to fulfil the minimum fifteen million euro investment criteria in order to receive the tax credits. The three Basque provincial governments and Confebask presented their case to the ECJ against the Commission's decision. The Basque defence argued that the Commission could not prove that the tax credits had negative implications on inter-EU trade and investment (El Correo Digital 2008a). The participation of Confebask underlines the Basque institutions' reliance on its expert bodies to have a direct impact on EU policy.

The Basque institutions presented a case directly before the European Court of Justice (ECJ), and their consequent ruling in 2008 consolidated the Basque exclusive competence in tax issues, i.e. their *Concierto Económico*, but on an EU scale it recognised the presence of separate regional fiscal systems. Hence, in this case the Basque institutions were able to have a direct impact on EU tax policy. The ECJ's Advocate General Juliane Kokott endorsed the capacity of the Basque Historic Territories' public finance institutions to fix tax rates different from those in the rest of the Spanish territory. The first instance of the court's dealings with regional tax regimes occurred in a 2006 case concerning the Azores in which the ECJ recognised disparate requirements for special regions. The Azores Case (6 September 2006) established conditions whereby taxation for businesses in a region may be inferior to those of a central state (El País 2008a). Similarly, in the ECJ's conclusions, in the Basque case they recognised the right of the Basque provincial councils to establish the Tax on Basque Businesses (*Impuesto de Sociedades vasco*), which is distinct from taxes imposed by the central Spanish state. Initially, the Spanish Supreme Court ruled that the tax was illegal, but the Basque Superior Court presented the case before the ECJ, which was studied on 28 February 2008. Kokott sustained the conclusions reached coining them the doctrine of the 'Azores case' of September 2006. She considered the laws set out in the Spanish Constitution, the Statute of Guernica, and the Law of the *Concierto Económico* to arrive at her decision.

The ECJ concluded that there was an infringement of regional competencies and that within the same state two businesses could have different fiscal treatments, and therein ruled that a region can have a different tax regime from the central state. However, Kokott rejected Euskadi's right to act directly in the Commission for tax purposes stating that even EU member states lack this control because they do not have complete autonomy in EU economic policy. Kokott sustained that the Spanish central state cannot decisively intervene in the adoption of Basque fiscal regulations. She went on to say that the coordination and collaboration between the central state and the Autonomous Communities does not require an absolute link between the demands of the central state that are contrary to the will of the historic territories. Additionally, Kokott highlighted that the Spanish Supreme Court has the capacity to rule on the legality of the means adopted by the foral treasury departments, and which does not represent a deficiency of autonomy. The tax-sharing system (el *Cupo*) amongst the Autonomous Communities is an essential consideration in the case. According to Kokott, the question of competition or solidarity as stated in the Spanish Constitution is a principal concern for the case, and on this, it is the responsibility of the member state courts to decide (El Correo Digital 2008b)

In answer to the preliminary ruling on the Tax on Basque Businesses, Kokott ruled that it was legitimate for the foral tax authorities to establish a different type and content of tax from the rest of Spain without it being considered state-aid. Kokott ruled that Euskadi is a region that has fixed fiscal infrastructural capacity as defined in the Azores Case (2006). Therefore, it has a constitutional status that permits it to establish fiscal legal standards, due to its institutional autonomy, whereby the central Spanish government cannot directly dictate policies that regulate its fiscal laws. Although Kokott's decision is not the definitive sentence, it is highly noteworthy because it sets the judicial legal base whereby the ECJ will adopt a definitive sentence. The court accepted Kokott's legal recommendations, thus, it is most probable that the court will follow her conclusion in its final ruling. Nevertheless, the decision is a landmark case for the Basque Country because it demonstrates legal doctrine in favour of the *foral* tax regime (El País 2008a), and it has wider reaching implications for other regions with special fiscal arrangements.

The High Court of Justice of the Basque Country (*Tribunal Superior de Justicia del País Vasco*) originally brought the matter before the ECJ as a premise to determine the legality of the Basque Country's tax on businesses. The objective of the case was to determine if the tax was of 'selective character', in that it benefited certain businesses above others because it is a tax that impedes on deductions enforced at the Spanish statewide level. Thus, if it violated the Spanish statewide deduction, the tax deduction would consist of a form of state aid that requires the express consent of the Commission. If the ECJ decided in favour of Euskadi, it would relieve the numerous cases currently taking place in the Basque Supreme Tribunal since December 2004 that annulled substantial aspects of the tax on businesses that was considered to constitute state-aid, which violated EU regulations (El País 2008a). To this question, Kokott responded that the tax sharing system does not give the Spanish central judicial system jurisdiction over the foral tax regime, even if they do not fulfil internal legal standards, nevertheless, this dispute should not be dealt with in the ECJ (El País 2008a). The positive outcome demonstrated the Basque Country's ability to provide resources and personnel to be able to impact EU policy, which is a primary argument of the thesis.

The hearing took place on the 28th February 2008 in the ECJ. The two contrary parties to the case were: the governments of the Autonomous Communities, La Rioja and Castilla y León with the Commission, against the Spanish government, the Basque Government (and its respective Basque provincial governments), Confebask, the UK, and Italy. It is notable that in this case the Spanish central state, the UK and Italy all supported the Basque Country's fiscal capacity, which provides evidence to support the interlock hypothesis. It appears to be a wider EU phenomenon

judging by the fact that both large member states supported the Basque Country's fiscal autonomy, which may be due to the principles embodied in the Lisbon strategy that professed regions as motor of growth. Regardless, returning to the case, El País reported that the decision recognises an asymmetrical division of competencies in Spain, which permits the three Basque foral and Navarre to have fiscal competencies. Against the Commission, Kokott argued that the Basque Country meets the requirements established in the Azores Case (El País 2008a). In addition to the aforementioned notion of interlock, the case also offers a clear example of how collaborative efforts amongst policy players can have an overall effect on EU policy, which was a key element of the earlier hypothesis concerning the influential power of coalitions.

XII. The Basque Country's Direct Relations with the CoR

The Basque Government annually issues a report that outlines its impact on the Committee of the Regions. It provides some useful evidence on how the Basque Country can have a direct effect on EU policies through the CoR. Although as argued throughout this work, the CoR has limited influence and its role was downplayed by interviewees, nevertheless it does present the regional viewpoints and was given a more formal role through the subsidiarity protocol. Hence, if the Basque Country is able to impact the CoR opinions, which are its formal positions that refer to the EU proposals submitted to the institutions, then it can have an impact on EU-wide policy. Therefore, the following section analyses the 2006 and 2007 reports and Basque internal procedures to react the CoR. The next paragraphs explore the internal procedure in which the Basque Government submits and expresses its opinion to the CoR and analyses the Basque Government's submission of opinions the CoR's reaction and their effectiveness in influencing the CoR.

In the Basque case, the Lehendakari (president of the Basque Government) is the CoR member with his respective commissioner for exterior affairs (Secretary-General of Foreign Action) who acts as the alternative member. The Basque Government concentrates its efforts on two of the CoR's commissions: the Commission for Economic and Social Policy (ECOS) and the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (CONST). In these commissions, the CoR sent forty-three relevant opinions to the Basque Government (in both 2006 and 2007), which indicates their activism in reacting to EU proposals. The Basque Government sent fifty-nine (2007) and forty-eight (2006) requests for its

governmental departments to respond to the CoR (Basque Government 2007; Ibid 2008).¹¹ The requests are petitions sent from the Basque Government to its relevant departments for a specialised consideration of the CoR position reports ‘opinions’, thus, they either support, reject, or amend them, and thereafter, the Basque Government returns them to the CoR. The data from the two years demonstrates that the Basque Government was more active in 2007 than in 2006, which demonstrates an upward trend.

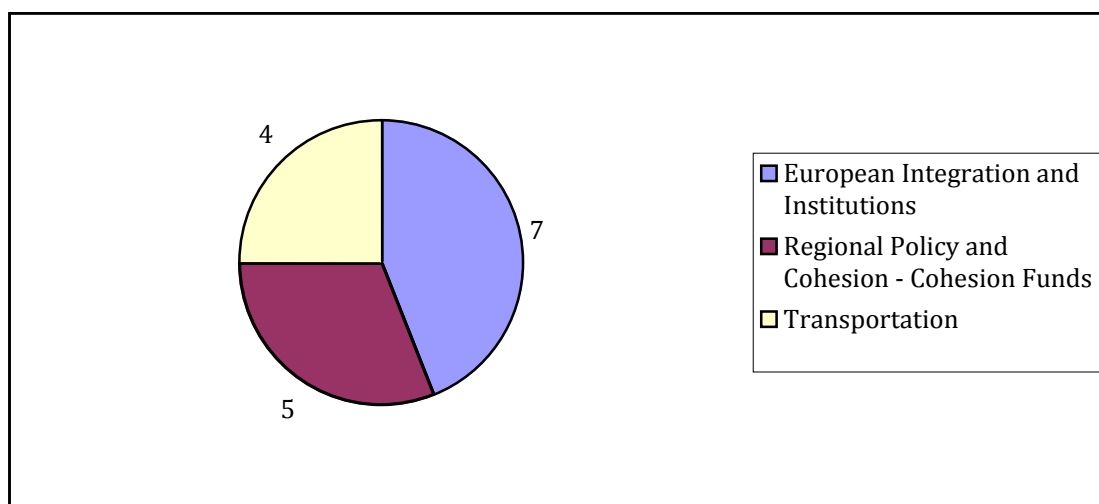
The Secretary-General of Foreign Action from the Basque Government sends petitions to governmental departments and Eudel (Association of Basque Municipalities) to react to the CoR’s posture. Thereafter, the Basque Government valorises the positions of the government departments whereby they react to the CoR’s posture, which will eventually become an opinion. Thereafter, the Basque Government presents concrete amendments that require the support of other regions, which it achieves by lobbying to defend the amendments in Brussels (Basque Government 2007; Ibid 2008). When compared to 2005, the number of Basque departments consulted has increased while the actual quantity of requests has decreased, which the Basque Government attributes to the opening of consultation in the Commission (Basque Government 2007). Therefore, the increase in departments consulted and the lowering in the quantity of requests could also be due to a greater number of policy areas attributed to the widening of EU competency areas, which coincided with a higher level of deliberation on the CoR opinions on which the government wanted to react. Hence, the Basque Government concentrated its efforts on key areas of interest, or those in which it had expertise, and therein maximising quality. The evidence from the Basque Government reports points to the accuracy of the lobbying maximisation hypothesis. However, deducing from the instances explored, thus far in the thesis, I argue that, while attempting to represent its policy views at every possible channel of influence, the Basque Government focuses its efforts on the most effective avenues to influence EU policy, which seems to be the Commission over the CoR. Although opinion requests refer to a variety of policy areas, the three policy areas with the most requests for opinions by the Basque Government are listed below for both 2007 and 2008. These are requests from the Basque Government to its relevant departments.

¹¹ The following entities received the requests for opinions (out of forty-eight): a) Presidencia 10; b) Vicepresidencia 1; c) Hacienda y Administración Pública 3; d) Justicia, Empleo y Seguridad Social 3; e) Interior 1; f) Industria, Comercio y Turismo 6; g) Vivienda y Asuntos Sociales 4; h) Educación, Universidades e Investigación 2; i) Sanidad 1; j) Cultura 3; k) Medio Ambiente y Ordenación del Territorio 5; l) Transporte y Obras Públicas 2; m) Agricultura, Pesca y Alimentación 3; n) EMAKUNDE 2; o) EITB 1; p) EUDEL 1 (16 government departments or consulted entities)

In 2007 (Basque Government 2008):

- a) European Integration and Institutions (**seventeen requests**)
- b) Regional Policy and Cohesion - Cohesion Funds (**five requests**)
- c) Transportation (**four requests**)

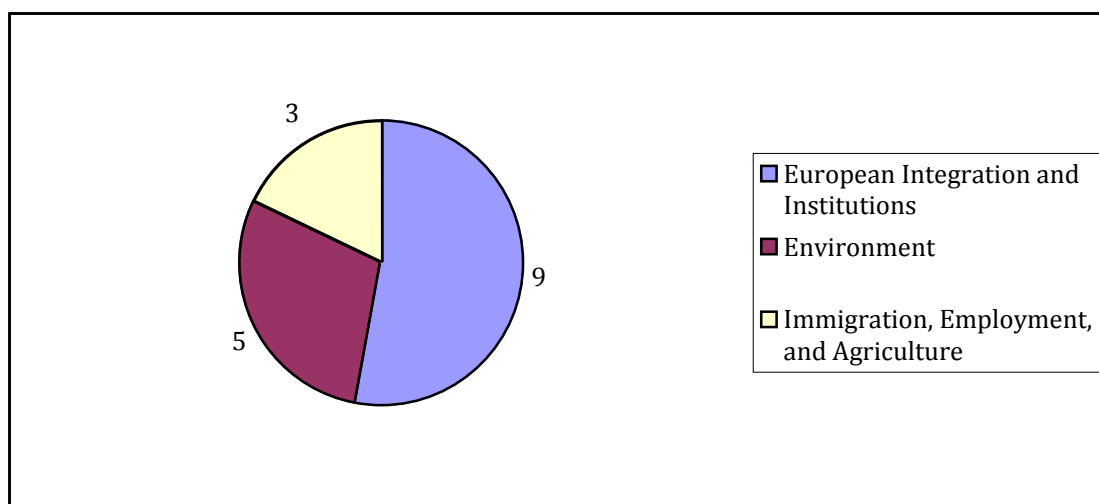
Figure 5.1 Focus of Basque Opinion Requests 2006



In 2006 (Basque Government 2007):

- a) European Integration and Institutions (**nine requests**)
- b) Environment (**five requests**)
- c) Immigration, Employment, and Agriculture all receiving **three requests**

Figure 5.2 Focus of Basque Opinion Requests 2007



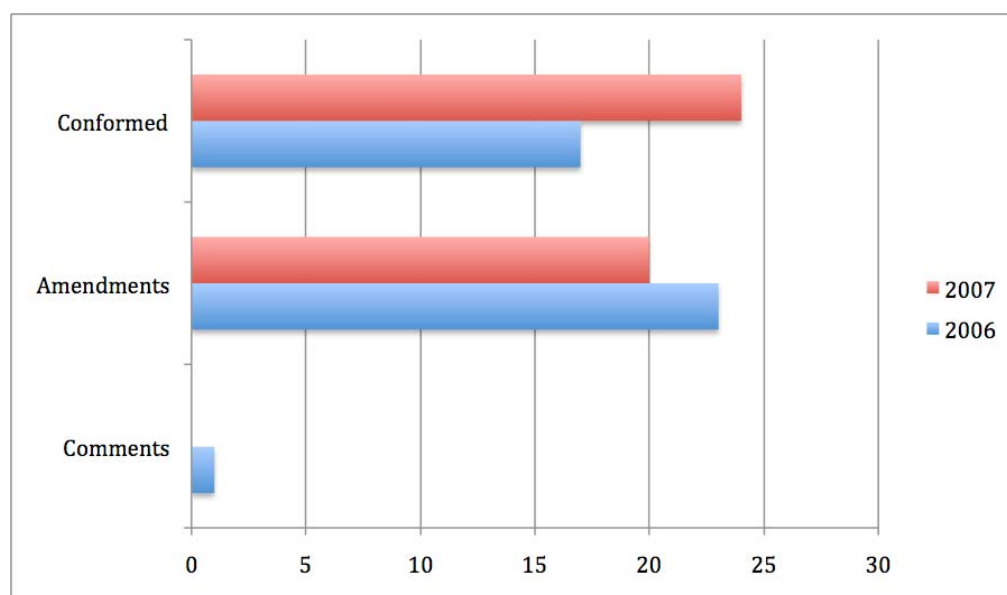
European integration and institutions seems to be an area of incrementing importance for the Basque Government since the requests increased by fifty-three per cent. The opinions are related to internal procedures of the EU Institutions. Their increased level of activism may be related to the proposed changes introduced in the EU draft constitution and its ratification as the Treaty of Lisbon (2007), which increased the scope of EU competencies. The policy areas correlate with

the policy areas where the Basque Country had engaged in meetings and conferences with EU officials, and additionally, they are policy areas, of which, the Basque Government has a substantial expertise and resources that conform with the hypothesis concerning expertise.

Of the opinion requests received, the corresponding Basque institutional departments sent back forty-four (2007) and forty-one (2006), thus **seventy-five per cent** of the requests received opinions by the respective Basque departments in 2007 and **eighty-five per cent** of the requests received opinions in 2006 (Basque Government 2007; Ibid 2008). This proves that the Basque Country is highly active and rather efficient in reacting to CoR opinions. Seventeen of the replies conformed to the CoR's original opinion, twenty-three consisted of amendments, and one of the total replies came back with commentaries, which confirms that the Basque Country and the EU share largely similar perspectives on topics. It also demonstrates that the Basque institutions have a high degree of activity in the CoR in providing both amendments and making positive contributions to its opinions.

Now considering the actual impact of those opinions and requests that were actually sent to the CoR. In 2006, as mentioned, the Basque departments sent final reports on eighty-five per cent, and of those, **seventeen** conformed to the CoR opinion, and **twenty-three** materialised into CoR opinions with amendments, and **one** was sent back to the Basque Government with comments. In 2007, as mentioned the Basque departments sent final reports on seventy-five per cent, and of those, **twenty-four** conformed to the CoR opinion, and **twenty** turned into CoR opinions with amendments. Thus, the Basque Country has been more effective in its actual impact on CoR opinions whereby 24 (2007) compared to 17 (2006) of its reports correlated with the CoR opinion. The number of opinions that required amendments was also higher in 2006 than in 2007, which further demonstrates the Basque Government's greater effectiveness in reacting and both entities arriving at similar conclusions related to the topics of their opinions. The following graphic illustrates the above points.

Figure 5.3 Conformity of Basque Submitted Opinions to the CoR: 2006 and 2007



In total after receiving support from various entities (listed on the diagram on p. 2 of the Basque Government report), the Basque Government presented seventy-one amendments. Thus, to summarise the above points, **forty-one (2006) and forty-four (2007) opinions** were sent to the Basque Government from its various departments, and the Basque Government presented **seventy-one (2006) and eighty (2007) amendments to the CoR**. Of those seventy-one and eighty amendments, **fifty-four (2006) and seventy (2007)** were presented in both the CoR's plenary sessions and commissions. **Forty-seven (2006) and fifty-five (2007)** of the Basque Government's amendments were passed. Therefore in 2007 the Basque Government presented more amendments, which resulted in the CoR passing a larger number of them. However, 79 % of the amendments presented in 2007 were passed when compared to 87 % in 2006. The following two pie graphs present the data discussed in the paragraph to visually clarify between the Basque amendments elaborated in the governmental departments, but never presented to the CoR, those presented before the CoR in plenary sessions, and the amendments that were passed onto CoR opinions, i.e. they demonstrate actual Basque influence and impact on CoR policy outcomes (*data derived from Basque Government 2008*).

Figure 5.4 Amendments to CoR Opinions 2006

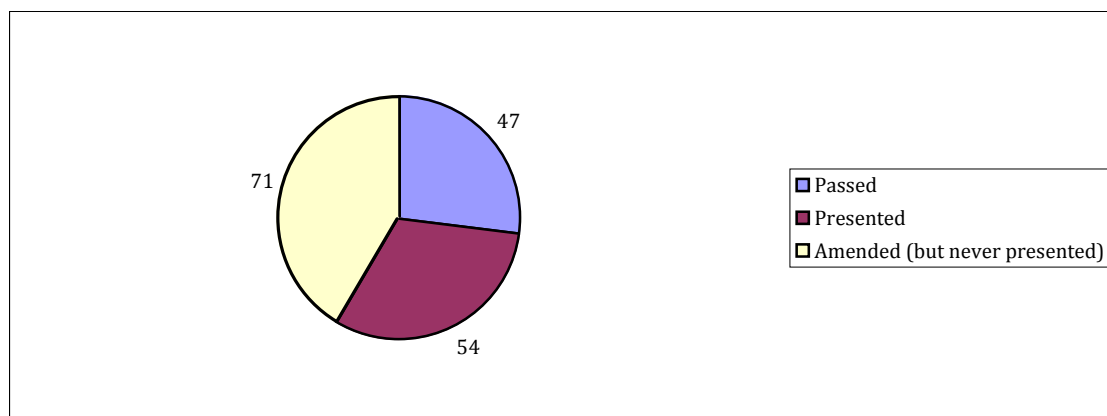
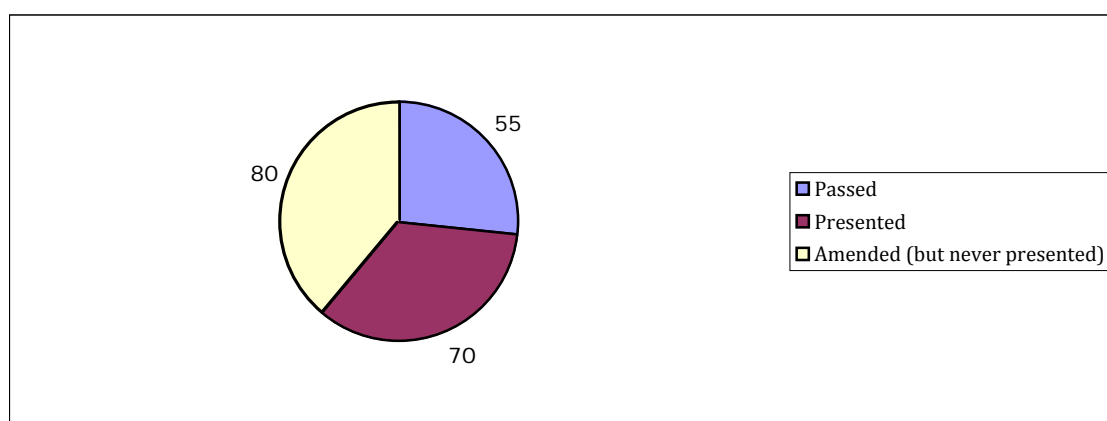


Figure 5.5 Amendments to CoR Opinions 2007



Analysing the data it is clear that the Basque Government sent a greater number of amendments to the CoR in 2007 when compared to 2006. Possible reasons why the amendments were not presented include: procedural errors, the lack of the minimum of signatures - thirty-two members of the CoR - to enable their presentation, or simply because they were not politically acceptable to the CoR members. Hence, it is probable that not only the number, but also the quality of opinions increased, considering the number of opinions presented. Many of the CoR member regions collaborate to gain the support necessary to convert their amended proposals - as those of the Basque Country in the diagram above - into official CoR opinions. The same point was discussed in chapter four of the thesis, in that the regions pool support with other IROs in order to achieve their policy objectives. Hence, the Secretary-General of Foreign Action of the Basque Government receives these requests. The Basque Government supported 148 out of 282 (52%) amendments received in 2006, and 116 out of 161 (72%) in 2007. In 2006, the requests came mostly from Madrid (35 supported), the European political party coalition ALDE (33 supported), and Asturias (21 supported). Again, ALDE's presence as policy player is notable. The other petitions came from other Autonomous Communities, with the exception of the Åland Islands (four were both received and supported). In 2007, the majority of the petitions came from the Autonomous Communities, but there were eleven supported from a new group

that presented itself in 2007 called the *Red de Subsidiariedad* (Subsidiarity Network), which was created through the CoR in April of 2007, which is a network of regional assemblies and governments, including cities and municipalities. Both CoR interviewees¹² spoke about the early establishment of the network before its actual fortification. Thus, the documented proof of the network verify their accounts. Another fourteen amendments were supported by the Basque Government in support of ALDE - as in the previous year - also demonstrating the salience of the ALDE network, which was analysed in the chapter section on political party coalitions. Nonetheless, the highest number of amendments backed were the Canary Islands (twenty-four), Asturias (twenty), and ALDE (fourteen).

XIII. Open Days, a CoR Networking Mechanism

The next two paragraphs will briefly discuss Open Days (European Week of Regions and Cities), which is an annual event organised by the CoR. It is noteworthy because it underlines both Basque institutional activism and the networks amongst regions where they discuss their perspectives and are able to combine their interest and share experience and information on policy areas to increase their influence. It takes place in Brussels and represents an important event, which marks collaboration amongst various regions forming networks to make coalition partners and to a manner where they can increase the visibility of their own regions through direct contact and discussion with EU officials. Numerous regions, cities, and local entities present conferences on a variety of topics and events. The policy players can meet to discuss topics forming and developing on informal policy networks. For example, the Basque Government (through its delegation) organized several events with CTP, DG Regional Policy, the European Parliament for the joint conferences organized by the Commission and the CoR, in reference to crossborder cooperation with numerous regional representatives from Andorra, Aquitaine, Navarre, Catalonia, Aragón, Toulouse, and Bydgoszcz (Pomerania, Poland) (De Castro and Ugalde 2006: 316).

The Basque Country's participation in 2006 illustrates its high level of activism in organising conferences to obtain information and disseminate its policy perspectives at the EU level. During the 2006 Open Days the Delegation of Euskadi organised three conferences, coined the "Interregional Network Summit", whereby Muñoa (the then Basque commissioner of exterior affairs) and Olabarri (representative from SPRI) presented topic papers. Diverse European

¹² Interviews: CoR, Subsidiarity Unit & Relations with Associations, Brussels, 2005; CoR, Policy Analyst, Brussels, 2005

regional partners participated in the summit whose objective was to focus on the importance of management and execution networks for the Structural Funds, and therein, reinforce the role of public and private entities for development and employment (Basque Government 2007: 15). Muñoa spoke about the economic miracle of the Basque Country and the importance of its communication networks amongst other regions and relying on them to advance EU integration. In this context Olabarri presented the organisation Eurbest (European Regions Benchmarking Economic Strategy and Transfer), which Euskadi coordinates. It is composed of twenty-two public entities from ten different countries (Basque Government 2007: 15). Eurbest was first begun in Brussels in 2003 by John Edwards, CEO of Advantage West Midlands (UK), Aitor Cobanera, CEO of SPRI (Basque Country), and Christian Saublens, Director of Eurada (European Association of Development Agencies).¹³ It was rewarded a grant under the Commission's Interreg IIIC programme from the ERDF funds. Eurbest concentrates on "benchmarking policies and instruments for business support". Its five major goals are: "Management and Coordination, Quantitative Analysis, Qualitative Analysis, Exchange and Transfer and Knowledge Dissemination."¹⁴ The Basque Government spearheaded the aforementioned Open Days conferences, which highlights its leadership role in promoting regional issues at the EU level. Through these networks, Euskadi can defend its perspectives and acquire support from other regions.

XIV. Representational Channels and the Blackbox

Before concluding the chapter, I will elaborate on the concept of the Blackbox, which refers to formal channels to influence EU policy, because it helps to visualise the representational channels that the Basque institutions rely on to influence EU decision and policymaking (*see figure 5.5*). The concept was coined by an interviewee who has experience working in a regional office and was the general secretary of Calre. The formal relations described in the thesis relate to the same notion as the Blackbox, which embodies all the textbook type relations to the EU, i.e. those relations facilitated through the central state or formal operating procedures of the EU institutions in which they receive outside entities and interact with member states. It consists of bilateral EU to member state relations and primarily recognises participation and influence in the committees of the Council of Minister and Coreper. One clear illustration is the process whereby the EU institutions consult the CoR, but their opinions presented in response to the consultation are non-binding of action by the institutions (described in the previous chapters).

¹³ http://www.eurbest.com/portal/alias_eurbest/lang_en/tabID_80/DesktopDefault.aspx (accessed 8 June 2008)

¹⁴ http://www.eurbest.com/portal/alias_eurbest/lang_en/tabID_26/DesktopDefault.aspx (accessed 8 June 2008)

The respondent's main point - that also correlates with the thesis's theory of Multi-Level Governance (MLG) - consists of the lobby maximisation hypothesis and the assertion that the RLC can impact EU policy and decision-making process through informal contacts. MLG conceives the EU as a system of multiple jurisdictions, which consists of a number of authorities and influences within the decision-making process, as the following diagram 5.6 will demonstrate. Additionally, the plethora of channels and entities involved in the process illustrate the principal features of the lobby maximisation hypothesis.

The interviewee who has experience as the former secretary general of Calre posits the limits of solely focusing on the Blackbox and therein the validity of MLG.

the EU policy and decision-making process is a multi-player system between citizens, businesses, governments, national governments, and regional governments. One has to operate in this system - emblematic of Multi-Level Governance - to be able to effectively influence the EU policy and decision-making process. If a regional entity only attempts to influence the CoR, which would be a mostly formal channel as aforementioned, then they remain within the Blackbox limit their scope of influence. An example of working only in the Blackbox is a regional entity sending a report to the government, and then they send it to the CoR, or that entity may even await the response of their central government to present their demands directly. In some member states the regional governments or parliaments have a direct representation channel to the EU system whereby the central government decides who attends the meetings, which would be a form of representation within the Blackbox. In effect, the government controls the Blackbox and has the initial responsibility for either involving or not involving regional parliaments (Interview, Calre former official, Brussels, 2007).

The respondent directly identifies the EU as a MLG system, which was the same case with another interviewee from the European Commission (Interview, European Commission - DG Regional Policy, Brussels, 2008). The Calre interviewee's testimony is highly relevant when considering the lock-in hypothesis because the Blackbox falls within the central states' locus of control in which regional action is restricted. He underlines the importance of informal channels, and posits that if regions do not utilise them, then they will not be able to effectively influence the EU policy and decision-making process.

The Calre interviewee highlights the salience of several EU organs, who are policy players, which reveals that there is no one unitary policymaker in the EU. The CoR - or any EU entity - is one player in the policymaking system and no single one is the most important because, for instance, frequently the Commission carries out its own directives (Interview, Calre former official, Brussels, 2007). In the same light, and in support of the lobby maximisation hypothesis, it is extremely complicated to be informed on the current situation of EU legislation, with

newspapers included, and hence, lobbyists are attempting to influence policy with every means possible and obtain information on a wide range of policy areas.

A region in this respect may as well directly lobby the EU through informal representation channels, and to amplify the reach of their efforts. They may, in addition, use formal channels to increase the prospect of influencing EU policy. The Calre respondent stated that regions may directly lobby the EU by organising direct meeting with commissioners, or lobbying through their regional offices (Interview, Calre former official, Brussels, 2007). Hence he supports the evidence presented throughout the thesis concerning RLCs' ability to mobilise a range of resources. In addition to informal meetings with numerous EU policy players, conferences can be an effective means of obtaining information and influencing policy. For example, I personally attended a conference regarding the objectives of the Basque presidency of Calre, and surprisingly, many of the thesis's interviewees attended, which clearly revealed the lobbying network, especially since they are all connected in Brussels.¹⁵

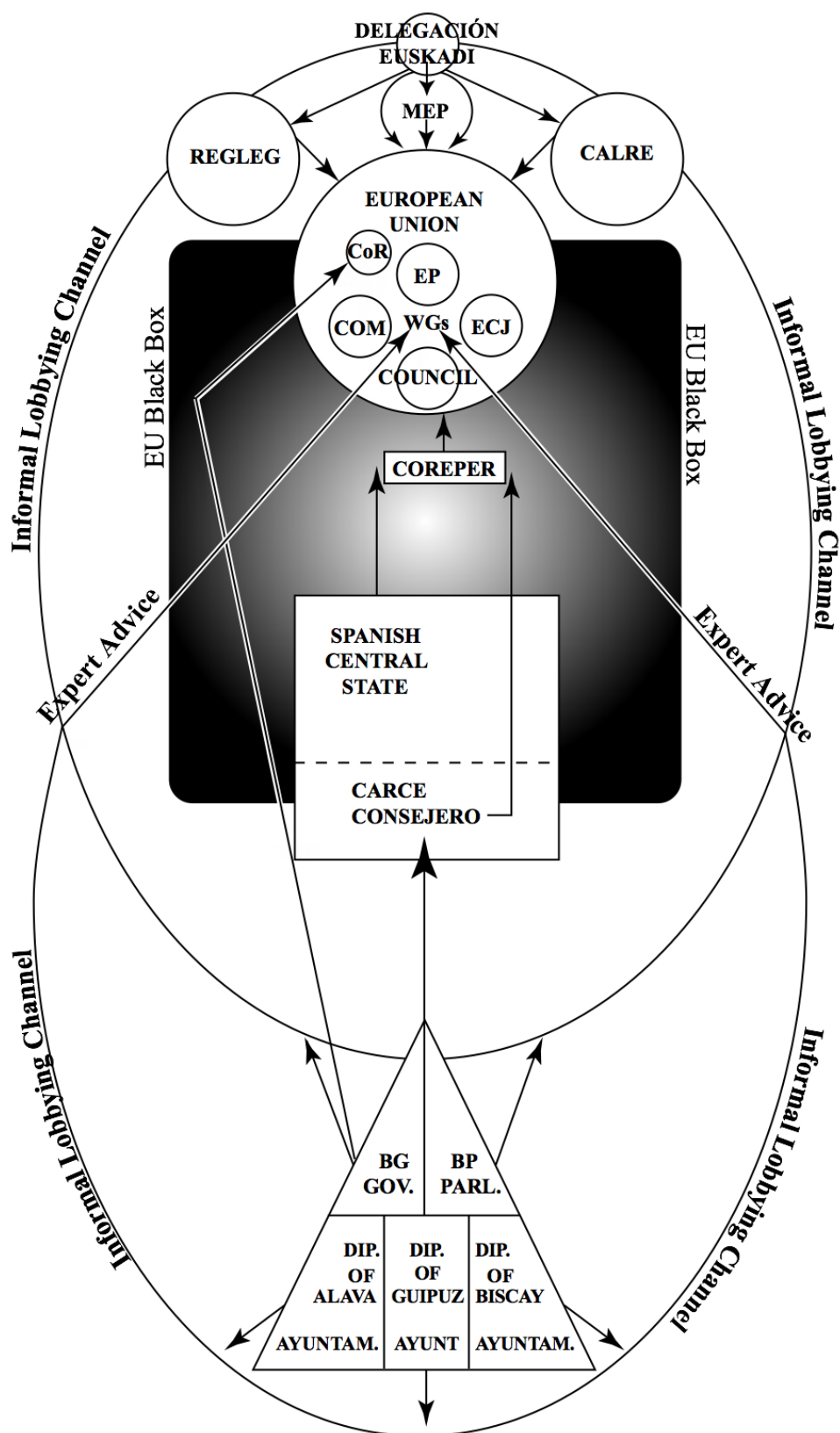
The diagram to follow describes the findings that were elaborated on in this and the previous chapters. It demonstrates how a powerful region may influence the EU policy and decision-making process through a combination of both formal and informal representational channels. It results in a visual presentation of the lobby maximisation hypothesis and the Blackbox is an element of the lock-in hypothesis because it consists of only formal institutionalised relations that can be controlled by the central state or the EU. The prior hypothesis indicates that the Basque Country is using every possible avenue to represent its interests in the EU decision and policymaking processes. It is important to mention that it need not be a region, but rather, an organisation with a certain degree of financial capability, personnel resources, and contacts that enable them to represent themselves and lobby the EU institutions. To determine all the preconditions necessary for an entity to have an impact on EU policy, is by far beyond the reach of the thesis, due to the limitations of time and resources of a single work, but it is worth consideration and opens the path to further investigation. A study, as such, could identify the preconditions necessary for an entity to influence the EU policy and decision-making process, what types of entities are successful, and in what policy areas.

The direct path to the EU policymaking process is also possible for a Non-Governmental Organisation, environmental action group, a Ministry of industry from a member state, or

¹⁵ Interviews: President Basque Parliament, Brussels, 2007; Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006; European Parliament - PNV, Brussels, 2007; Delegation of Euskadi, Brussels, 2005; Catalonia Regional Office, Brussels, 2005

numerous businesses and / or other institutions. As proven in the previous chapters, the Commission has progressively opened dialogue with various governmental and non-governmental bodies. The Calre and regional office interviewee reported that businesses and regional governments can influence EU policy. Furthermore, the Committee for Economic and Social Affairs engage in research in all issues and has more personnel to study European affairs than a single government can afford, so there is an opportunity for influence. Now I will present the aforementioned diagram, which illustrates the Blackbox and the various entities involved in the Basque representational channels.

Figure 5.6. The Basque Country's Formal and Informal Lobby on the EU Policy and Decision-Making Processes



XIV. 1. Explanation of Diagram

The triangle at the bottom of the diagram represents the primary Basque institutions. As the dissertation has explained pressure or interest groups that are supported by the Basque government - such as Asti, Spri, Confebask, Cifal-Bilbao - are included herein. The bottom three sections of the triangle represent the three provincial governments of the Basque provinces (Alava, Guipúzcoa, and Vizcaya). City council is abbreviated in Spanish here as “AYUNTAM.” instead of writing out *ayuntamiento*. The top two sections of the triangle represent the primary Basque executive and legislative branches, the Basque Government and Parliament. There are six arrows pointing out from the triangle to the policy channels (ovals circling the EU policy and decision-making process, which are located at the top section of the diagram). The arrows reveal that the Basque institutions can either exert influence on the EU policy and decision-making process independently or through a concerted effort. The combined effort of the Basque Country - or Basque institutions - is marked with the top arrow of the triangle. This arrow points directly up to the EU Blackbox first going through either the Sectorial Conferences and / or the Spanish central state. The Blackbox represents formal representational channels to influence the EU policymaking process. It is a highly rigid system whereby the central Spanish state can act as a gatekeeper to a certain degree regulating Basque entrance to the circle at the top of the Blackbox, which is delineated “European Union”, which correlates with the lock-in hypothesis. An additional pseudo-formal representational channel for the Basque Government is through the CoR. Thus, there is an arrow that goes from the Basque Government section of the triangle directly to the CoR, which in turn has some impact on the EU institutions. It is obviously debatable how much influence the CoR has, but nevertheless, it is a body that is formally part of the EU institutional structure.

Alternatively, considering the Basque institutional triangle at the bottom of the diagram, the Basque entities can affect the EU policy and decision-making process through informal representational channels. The channels primarily consist of lobbying and informal contacts, which were elaborated in this chapter. Through the lower informal lobbying channel oval the Basque institutions can have direct influence in the form of expert advice to the EU institutions, especially in and through working groups. Focusing on the top informal representation oval, the Basque institutions lobby REGLEG (primarily the Basque Government) and CALRE (principally the Basque Parliament), and both Basque institutions are involved in the activities of the Delegation of Euskadi (small circle at the top of the diagram). Furthermore, the Basque institutions can also lobby MEPs to support certain policies, especially if they share the same

political party, who can in turn influence the European Parliament, especially through their European party coalitions discussed, i.e. ALDE. The two circles at the top representing Regleg and Calre can also influence EU policy and decision-making in the form of lobbying. Included, but not represented explicitly in the diagram are - along with REGLEG and CALRE - the numerous interregional organisations acknowledged in chapter four, such as CEMR, AER, etc, which are also able to lobby the EU institutions.

XV. Conclusion

Prior parts of the dissertation outlined subnational entrance into the EU policy and decision making process utilising the Basque Country as the case study. This chapter identified specific policy areas revealed through the interviews, and it elaborated on them using empirical evidence of meetings between the EU and Basque officials. The purpose of this exercise was to provide evidence to support the argument that the Basque institutions were able to have an impact on policy. The analysis was combined with an evaluation of why those areas were important for the Basque Country.

The investigation identified several channels, which the Basque Country relies on to have an impact on EU policy. The importance of political party coalitions, such as ALDE, was underlined in several policy areas. ALDE was a notable representational channel in which the PNV - who headed the Basque Government until 2008 - was able to adjourn several meetings and conferences with EU officials. Chapter four concentrated on the IROs, which also included entities that are directly linked with the Basque Government (i.e. Asti, Confebask, Cifal-Bilbao), and thus, they were also discussed in this chapter because they provided direct links between Basque and EU officials. The primary object of their meetings and conferences was the provision of expert advice, and thus, supporting the expert advice hypothesis. It asserted that the primary channel for the Basque Country to represent its interests at the EU level is through expert advice. In this light, substate entities are dependent on personnel, resources, and experience to be able to have an impact on EU policy, as stated at the onset of the thesis. Therefore, the areas where the Basque Country has a large degree of expertise correlate with the areas that it is able to influence EU policy, such as fisheries and fiscal affairs, which proved the clearest examples of influence. Another area where they were able to have an impact was the use of Euskera in the EU institutions, which is an issue around which they are highly active on EU and international levels. As a side note and underlying theme in the thesis, interviewees noted an increased level of cooperation between the central state and the historic Autonomous

Communities with the Socialist change in government (2004), which could also be a factor involved in the recognition of Catalan, Gallego, and Euskera simultaneously in EU institutions.

The Basque Country has been exceptionally active at the EU level, also in several other policy areas including concerning agriculture and fisheries, employment, environment, and technology and information society, especially in terms of research. Investigation was a central state competency until the agreement of 11 December 2008, which passed to the Basque Country exclusive competence in research and science. They have proven to be continually active at the EU level. Their efforts form an effective lobbying channel to influence policy outcomes, judging by the interview evidence and the numerous informal meetings to back up the respondents' claims. The policy areas that are pending transfer from the central state are sectors where the Basque Country has a large degree of expertise and resources to be able to exert pressure at the EU level attempting to represent its interests through all possible channels as the lobby maximisation hypothesis posits. Investigation was one area recently transferred to the Basque institutions, and on several occasions they were able to present their findings to EU officials informally through their lobbying channels.

It is noteworthy that a large degree of the Basque Country's work has an impact on EU policy is information collection and dissemination of their positions on various policies through informal meetings and conferences with EU policy players. Accordingly, the Blackbox discussion was an interesting appraisal of the EU policy and decision-making system, and it provided a useful method to envisage the entities involved. It identified a number of policy avenues that the Basque Country relies on to influence EU policy. The model supports the lobby maximisation hypothesis and the fact that, although important, the Council of Ministers - or the member states - are not the sole entities responsible for EU decision-making because they are only major players within the Blackbox. In addition, regions with legislative competencies are not the only non-state actors capable of representing themselves in the EU through these informal means. Nonetheless, due to their experience and representation forming part of central state they have more opportunities than most non-governmental actors. In this respect, the state is able to lock them in, or partially control their access, and in effect, their influence on EU policy. Another hypothesis asserted that the primary policy areas where the Basque Country seeks EU representation, were those areas that would benefit their region economically. This was mostly true concerning their efforts regarding tax issues and investigation. Although fisheries is not a highly salient sector, the Basque institutions were able to have an impact in stopping anchovy fishing in the Bay of Biscay through their marine investigation evidence, which can be of

economic interest, but most notably, it is an area that is in the process of being transferred from the central state.

In the analysis it was essential to extensively survey one region to be able to thoroughly describe and cross-validate numerous interviews and evaluate their correlation with meetings between EU and Basque officials. The lobby maximisation hypothesis was proven through the interviews and the plethora of conferences and meetings between EU, regions with legislative competencies, and interregional organisations. The analysis has demonstrated that the Basque Country is attempting to influence EU policy and decision-making through every representational channel possible. Their lobbying methods include meetings with EU officials, networking with other regions through interregional organisation, or through their political party contacts and coalitions. Therefore, their high level of activism allows them to maximise their opportunities to influence policy. Nevertheless, health and environment were two areas where the Basque Country is extremely active at both EU and international levels, and there was a large degree of interaction with EU policy players, but the end results on policy were unclear. The reasoning could be attributed to solely information collection and dissemination, or simply because it was difficult to pinpoint effect.

The interactions illustrated in this and the preceding chapters have confirmed that the EU is receptive to the regions, which was proved through the numerous meetings, EU agreements, and decrees concerning the EU giving a greater role to substate entities. The European Court of Justice (ECJ) case discussed is a clear example of the EU giving greater visibility to special status regions, and a clear example of the Basque Country's direct impact on EU policy. The ECJ recognised the Basque Country's special tax competencies within the central state. Furthermore, the central state's support in the final sessions before the ECJ back up the lock-in hypothesis because it identifies the Basque fiscal system within the central state apparatus, which adverts formal Basque representation in the EU without central state control.

The Basque Country proved extremely active in a variety of policy areas. As aforementioned, it is difficult to pinpoint actual impact on policy to determine the level of Basque influence on EU policy. Nevertheless, the high degree of Basque lobbying power cannot be denied. Furthermore, they were able to promote debate on several occasions through meetings with EU officials, and hence, providing some degree of influence on policy by disseminating their perspectives. Nonetheless, further investigation on degree of influence through an in-depth study on a select number of cases in other countries is necessary, but this is a matter for further research.

Final Conclusion: The Value of Informal Channels

He had been freed, just as he had set free the character he had created. His hero had now vanished irretrievably into the abyss

- Mikhail Bulgakov, *The Master and Margarita*

The conclusion will synthesise the primary arguments of the thesis, and relate the hypotheses posed with themes presented within the chapters to test their validity. It will also address the value that the thesis adds to the multi-level governance (MLG) approach, and it will end addressing further areas of investigation. The hypotheses are summarised below and will be referred to throughout the following paragraphs.

Hypotheses and Arguments Revisited

- the first two chapters described the general hypothesis that regions with legislative competencies, like the Basque Country, were able to influence EU policy and decision-making in areas that affect them directly through formal and informal means. These competency areas fall within their expertise or competencies, or are areas whereby they are under represented by the central-state. Informal and formal channels are variably effective depending on the policy contacts, resources, finances, personal.
- the competency areas that the Basque institutions are lobbying the EU institutions include those that are either pending transfer from the Basque Statute of Guernica, or have been recently transferred from the Spanish central state
- competency areas in which the Basque institutions engage in a large degree of lobbying are those that produce economic or political gains
- party coalitions enable a greater level of cooperation through the networks and contacts that they provide
- the lock-in hypothesis advances that central states and the EU give the RLCs greater opportunities facilitating formal channels to in a way control their actions
- the lobby maximisation hypothesis asserts that RLCs are attempting to have an impact on EU policy through every possible representational channel to increase their chances of influence.

MLG proved to be an appropriate theory to answer the research questions in its consideration of subnational actors - coined regions with legislative competencies (RLCs) in this work. The thesis surveyed their role in EU policy and decision-making through various means, i.e. relying on formal channels via their central states, or through informal channels whereby they represent their interests directly, normally in the form of lobbying - either independently or through

interregional organisations. The thesis proved that there is a notable level of interaction between the Commission, the regions with legislative competencies (RLCs), and interregional organisations (IROs), whereby the Commission invites experts to present evidence regarding a range of issues. Accordingly, through informal meetings, regions and interest groups can inform EU officials on their perspectives thanks to their active lobbying efforts.

In supporting multi-level governance, interviewees from the Commission and interregional organisations (IROs), overtly stated that the EU functions on a basis of MLG in which there is no supreme decision-making body, but rather a mixed authority made up of both the central state and the EU, and in the process, the EU is increasingly gaining levels of authority in policy areas, such as agriculture and fisheries. The theoretical approach was appropriate to the study due to its recognition of informal channels, which are present and salient, thanks to their penetration of the layers of governance, e.g. supranational, national, and substate. The thesis proved that regions with legislative competencies are able to mobilise their resources and influence the EU institutions through both formal and informal means.

Concerning the value that the thesis added to the theoretical approach, it has elaborated on the importance of informal channels as a form of soft power. Additionally, the concept of the Blackbox separates the formal jurisdictional levels from the informal channels, and the corresponding diagram (*Figure 5.6, 'The Basque Country's Formal and Informal Lobby on the EU Policy and Decision-Making Processes'*), describes how regional entities combine formal and informal channels to more effectively impact policy. Regions, in this case, rely on various channels, including: membership in IROs, contacts enabled by their European Parliament representatives, or expressing their views directly to EU officials through expert advice. The effectiveness of the channels is largely dependent on two factors: the regions' level of expertise, and their central state's facilitation of formal representational opportunities. Both the 'lobby maximisation' and the 'lock-in' hypotheses offer new insights to explain RLCs' use of representational avenues, and offer an explanation to why central states would willingly offer regions formal mechanisms to present their interests. Therefore, the regional presence at the EU-level explored in this thesis, does not change the character of MLG, as inquired in the research question. Rather, the research findings derived from an analysis of the channels that the Basque institutions rely on to represent their interests, especially their reliance on IROs, offer further indicators to demonstrate that there are many policy players and governance levels, thus in effect elaborating on the MLG approach.

Realists asserted that EU member states control the path to EU integration, and therefore that EU decision-making is the sole responsibility of the member states. The thesis recognises the importance of member state relations within the EU, especially in terms of assigning responsibility for decisions. However, a Multi-Level Governance approach provides the researcher with the analytical tools to address the fact that central states are not the only players involved in EU policy and decision-making process. It illustrates that there are a range of actors and lobbying groups active at the EU-level. It further allows the hypothesis that central states are voluntarily providing RLCs with representational opportunities in order to control them in some measure, as the lock-in hypothesis implies, which would assist to explain the devolution processes across Europe, and both the EU and member states' embrace of the subsidiarity principle in its consideration of regional governance levels. The Spanish central state established the *consejero autonómico*, which does allow Spanish regional representation in the Council of Ministers, but the Autonomous Communities are still highly restricted in their ability to influence policy-making because one *consejero* must represent both the interests of their respective region, and those of all the Autonomous Communities.

At its onset, the CoR was perceived as an effective mechanism to represent regional interests; nonetheless, the interviews have proven that it was not as representative of their concerns as they originally envisaged at its creation, which was stipulated in the Treaty of Maastricht (1992). Interviews have demonstrated that interregional organisations - such as Regleg and Calre - offer more effective lobbying opportunities than the CoR, and thus, show a higher level of participation by the RLCs, due to their differentiated memberships that consist of powerful regions with a high degree of competencies. Chapter four also addressed Basque activism in a plethora of organisations, which supports notions explored in the thesis. Firstly, it confirmed the lobby maximisation hypothesis in that legislative regions, such as the Basque Country, search for every possible channel of influence, but then focus on the most effective. Secondly, it demonstrates the relatively low relevance of the CoR. It provides another example of the lock-in hypothesis, due the fact that, although the CoR does offer a forum to voice regional demands, it is limited in its ability to have an impact on policy, due to its consultative powers. Nevertheless, the Protocol on the Application of the Principles of Subsidiarity and Proportionality (2004), which is explicitly recognised in the Treaty of Lisbon (2007), gives the CoR and parliaments within member states the power to evaluate the EU institutions' adherence to subsidiarity.

The adoption of the Protocol in the Treaty of Lisbon supports the lock-in hypothesis. It offers an example of the member states and the EU institutions giving a certain degree of power to

regional entities without completely offering them unimpeded capabilities to react to EU policy, which would be entirely out of their control. Further supporting the lock-in hypothesis, the Protocol gives “national” parliaments the power to determine the EU institutions’ fulfilment of the principles of subsidiarity, and not specifically to “regional” parliaments. Thus, it does empower the regional level and it is ultimately the obligation of the member states to set its own institutional rules for implementing the Protocol, which demonstrates that the member states still have a large degree of control over regional entities’ entrance or impact on EU policy. The premise behind the ‘lock-in’ assertion is that central states give a certain degree of responsibility to RLCs, but as a means to control their actions, and avoid the worst case scenario, whereby the regions directly represent their interests unrestrained from central state authority. Nevertheless, the thesis revealed that powerful regions are able to directly lobby the EU institutions if they are able to marshal the resources required, primarily, finances, personal, and expertise.

Additionally, the most effective channel differed according to the policy area and the availability of resources, e.g. personnel and financial capabilities, to mobilise at the EU level. The Basque institutions were able to have the clearest effects in the case involving tax deduction, anchovy fisheries, and the use of Euskera. Taxation is a Basque competency area, which is undoubtedly economy related, and hence, maintains the earlier hypothesis because they were highly participative therein. On the other hand, considering, that fishing is a not such a large economic sector, in addressing the earlier hypotheses, Basque activism regarding fisheries is more related to its implications for political gains whereby the PNV could gain support from a wider ranging constituencies on the ‘traditional values’ or nationalist ticket. In addition, ‘research’ was an area of wide ranging Basque activism, specifically ‘marine research,’ which is an area that was pending transfer from the central state. Their activism sustains the hypothesis that competency areas that were in the process of transfer are also areas in which the Basque institutions were seeking to influence EU policy. Research is also an area of economic value, which provides further evidence for their large degree of activity at the EU level. Therefore, it is in their best interest to prove their expertise in several areas to gain prestige in future research projects that could prove even more advantageous financially. Cultural promotion was also an area of high Basque involvement at the EU-level. They were considerably active in education related issues, which is also a Basque competency area. At the EU-level there were several meetings in university education related areas, but there were not clear results, which appears to support the fact that information collection and dissemination is an object of Basque activism. As mentioned, these areas were of value for political gains, and hence, the target of the nationalist PNV government, which were brought to light to gain the support of certain constituencies.

Chapter five observed that party coalitions provide a medium for policy players to put concerted pressure on policy and decision-making. Party membership provides actors with a series of contacts to pursue common objectives with parties that are in coalition, which is relevant through both member state party coalitions and through those at the EU-level. For example, the Basque institutions were able to push its objectives through various conferences and informal meetings that were made possible due to the PNV's activism in the European coalition ALDE. The large number of votes in favour of the Socialists in the Basque Parliamentary elections (2009) permitted them to govern with a Popular Party coalition to allow a Socialist Lehendakari (Basque Government President) to enter office as a consequence. The PNV is a leading player in ALDE and their loss of the Basque executive seat and parliamentary dominance may have implications for the Basque institutions' leading role within ALDE, and ALDE's salience at the EU-level. If the hypothesis about party coalitions is accurate, we should see the leading role of the Basque institutions in European coalitions in which the Socialists take the lead at the EU-level, which could be an area for future research. Accordingly, they may have an increased impact due to the prominent size of the Socialist coalition at the EU level, and the fact that they have a majority at the Spanish central state level.

Party coalitions form informal representational channels to influence member state and EU policy and decision-making, which would be considered out of the Blackbox. They are already widely regarded as methods to attain policy objectives, however, the added value of the thesis's finding in this respect is that powerful RLCs can rely on these party contacts at the EU level to target specific policy areas whereby they have expertise or resources. RLCs can also pool their interests through these links to put concerted pressure on policy, which is even more effective when combined with interregional organisations membership to maximise possibilities for information exchange and influence through every possible avenue. As aforementioned, the Basque institutions had a leading role in ALDE, and in representing the coalition; they were able to participate in meetings with EU officials from the Commission, European Parliament, and the Committee of the Regions. The policy areas included those areas where the Basque Country has a recognisable degree of expertise including: a) transportation, b) audiovisual communications (television), c) employment, professional training, and development, d) promotion of democracy, and, e) multilingualism.

I will now address the Basque Country's effectiveness in these areas through ALDE, and their activeness at the EU-level. The Basque Country has a large degree of competency in television with its own television stations pertaining to the Basque media group, *Euskal Irrati Telebista* –

Basque Radio Television (EiTB). The Basque institutions were notably fervent in issues of trans-European transport networks, and maritime transportation and railway infrastructures are examples of competency areas whereby they are both active and that are pending transfer from the central state. Basque institutions participated significantly in issues regarding employment and professional training, which are areas that are awaiting transfer. They also represent policy areas that the Basque Country has a large degree of expertise. Technology-based policy areas, such as e-democracy and information society, have proved to be areas that the Basque institutions have significant experience and expertise. Additionally, they participate in a number of lobbying groups or interregional organisations in these areas, which were identified in chapter four, for instance: Network of Local Authorities for the Information Society (It4All), the World Summit on the Information Society (WSIS), and the European Council of Municipalities and Regions (CEMR). The World Summit is not an interregional organisation, but is noteworthy when considering information society because it consisted of a series of preparatory conferences, organised by United Nations Institute for Training and Research (UNITAR), whereby the Basque Country was highly active with the assistance of Cifal Bilbao, which is partially funded by the Basque institutions.

Thus, the Basque institutions' participation supports three hypotheses. Firstly, their significant level of expertise permits them to be involved and influence a range of policy areas. Secondly, a large degree of their activities include information collection, which can assist in becoming informed about issues to be able to have a greater impact because part of the difficulty in influencing EU policy is deciphering the puzzle where (in what institutions), and what policies are being discussed. Therefore, the Basque institutions' high degree of activism assists them in identifying the policy players and network contacts to be able to have an effective impact on EU policy. Their evaluation of policies in progress and what actors are involved therein avoids them wasting resources and aimlessly lobbying a plethora of institutions without having any significant impact. Therefore, they are able to concentrate lobbying efforts on concrete objectives and institutions. Therefore, information collection and dissemination can incite impact on policy and is a pertinent example of 'soft power'. Thirdly, their participation points to it being an economically salient policy area, information society, which makes it highly beneficial for them to promote it.

I would surmise that the creation of the formal central state facilitated channel to the Council of Ministers, the *consejero autonómico* - along with, the transfer of research to the Basque Country - could be partly attributed to the dynamics of party coalitions or agreements. The transfer of

research is significant because it is an area of economic value concerning numerous subject areas in which the Basque Country is proactive and maintains contact with EU officials, i.e. fisheries, information society, e-democracy. As discussed in the previous chapters, the Socialists success in the Spanish general elections (2004) - after several years of Popular Party leadership in the central government - coincided with a greater level of cooperation between the Basque institutions and the central state. The increased level of support could be due to mutual agreements between the PNV and the PSOE, a more regionalist orientated agenda of the Socialists, or the need to govern and gain coalitions with regionalist coalitions. I would surmise that all the factors could be attributable. In addition, research represents a policy area whereby the Basque Country is highly active, and it is also a policy area that the central state recently transferred to the Basque Country.

Regardless, the transfer of research could be attributable to two hypotheses, the lock-in hypothesis, as in the case of the use of Euskera, and the assertion that party coalitions are a way to fortify network contacts. During the Socialist period in office (2004-*present*), Euskera was also recognised in the EU institutions. Therefore, it appears that the Socialists are seeking wide-ranging coalitions or agreements with regionalist groups, offering them greater opportunities to in some way keep them in check while giving them the impression of a larger degree of cooperation, which is a notion embodied in the lock-in hypothesis. Although the central state may be putting the Basque Country in check, central state facilitated channels are beneficial in that the Basque institutions are able to submit their perspectives, and thus, gain a higher degree of influence and information collection when compared the Popular Party's period in office. In fact, Basque respondents supported the greater level of participation with the Socialist government.

What are the Dynamics of EU, Member State, and Substate Entities

Figure 5.6 physically illustrates and the concept of the Blackbox to distinguish between formal and informal EU structures and representational channels. The diagram demonstrates the number of policy channels that the Basque Country - or other substate entities - rely on to represent their interests at the EU level. It does not imply that the EU controls the member states, nor vice-versa, through the placement of EU entities at the top of the diagram, nor does it posit that the Blackbox is a useless method to have an impact on EU policy. The main point is that if substate entities only focus on formal channels to represent their interests, i.e. those

facilitated by the member states or the EU, e.g. through the CoR, or vis-à-vis the permanent representation in the Council of Ministers, then they will not be maximising their opportunities to have an impact on EU policy. Therefore, the diagram exemplifies the lobby maximisation hypothesis, in that, substate entities attempt to promote their policy objectives through every possible means, and representational avenues, to have an effect on policy. Additionally, the diagram demonstrates the primary findings of the thesis, that a substate entity is able to circumvent the member states, and directly affect EU policy through lobbying, or generally through informal means.

The instance described in chapter four concerning the Basque minister of health's meetings with the Council of Ministers could be considered a pertinent example of the ineffectiveness of a substate entity to focus solely on the Blackbox alone. The minister was sent to represent the Autonomous Communities in the Council of Ministers as the rotating *consejero autónomico*. Although his presence may have had some impact on health issues, there were no clear results. Nevertheless, this may also be attributed to the fact that it is difficult to assign responsibility in the case of complex EU policy and decision-making. Furthermore, the sheer presence of the regional minister supports the notion that the regions are progressively gaining a greater degree of visibility at the EU-level and therein influence.

Areas for Further Research

The networks, policy areas, and case studies highlighted in this work open the path for wider debates and additional areas of research, which would not have been adequately addressed in a single thesis. To further solidify the argument that RLCs with sufficient resources and expertise in given areas can influence EU decision and policymaking, it would be necessary to rely on a greater number of case studies that define dynamics between EU, member state, and substate entities. Additionally, it would be interesting to focus on powerful interest groups, business lobbies, or corporations with a copious degree of resources to determine if they can also influence EU decision and policymaking through the same channels that the Basque Country employed. Network analyses - such as social network analysis - could provide further explanations of representation avenues that a non-state actor relies on to influence policy, which would consist of a study that focuses on one single salient policy area and one entity and map all the possibilities for that entity to influence EU policymaking. An analysis, as such, would have been excessively descriptive and mundane due to its complexity, and additionally, the object of this thesis was to identify several policy areas. Nonetheless, it would be interesting to delineate

a perfect model that could identify all the policy areas and paths to influence EU policy for a non-state actor to put pressure on precise policy players. Non-state actors could take advantage of a model as such, and use it as a guide to impact policy. Therefore, the thesis provides a starting point that offers evidence to solidify MLG and provide evidence to support the substate entities' ability to influence EU policy through informal means in areas of their expertise.

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Informal Interviews and Meetings

Interview, Assembly of European Regions (AER) - Institutional Affairs, Brussels, Belgium 2005, Representative from the Assembly of European Regions (AER) office in Brussels, her position is Advisor to the Institutional Affairs Committee; interview took place in Brussels, Belgium on 19 April 2005.

Interview, Basque Government - EU Affairs, Bilbao, Spain 2006, Director of European Issues for the General Secretariat for Foreign Action (*Director de Asuntos Europeos Secretaría General de Acción Exterior*); interview took place in Bilbao, Spain on 7 July 2006.

Interview, Basque Government - PNV External Affairs, 2006, Secretary of the Commission of Foreign Issues of the PNV and Vicepresident of the Basque Council of the European Movement (*Secretario de la Comisión de Asuntos Exteriores del PNV y Vicepresidente del Consejo vasco del movimiento Europeo*); interview took place in Bilbao, Spain on 27 July 2006.

Interview, Basque Parliament - President's Cabinet EU Affairs, Vitoria, 2006, Responsible for European Issues for the Basque Parliament President's Cabinet [President: Izaskun Bilbao Barandica (PNV)] [*responsable de asuntos europeos del gabinete de la presidenta del parlamento vasco: Izaskun Bilbao Barandica (PNV)*]; interview took place in Vitoria-Gasteiz, Spain on 26 October 2006.

Meeting, Basque Parliament - President, brief encounter with the President of the Basque Parliament ; meeting took place in Brussels, Belgium on 10 October 2007.

Interview, Basque Parliament - Ezker Batua-Berdeak, San Sebastian, Spain, 2006, Territorial Coordinator for EB in Guipuzcoa and Basque MP for EB for Guipuzcoa (*Coordinador Territorial de Gipuzkoa para EB y Parlamentario vasco para EB por Gipuzkoa*); Interview took place in San Sebastián, Spain on 24 October 2006.

Interview, Conference of European Regional Legislative Assemblies (Calre), Brussels, Belgium, 2007, Ex-Secretary General for Calre; interview took place in Brussels, Belgium on 23 January 2007.

Interview, Catalonia Regional Office, Brussels, Belgium, 2004, Head of the Delegation of the Generalitat of Catalonia to the EU (*Delegació del Govern de la Generalitat de Catalunya - Patronat Català Pro Europa*), her position is head of the cabinet; interview took place in Brussels, Belgium on 31 August 2004.

Interview, Catalonia Regional Office, Brussels, Belgium, 2005, Follow-up Interview with the Head of the Delegation of the Generalitat of Catalonia to the EU (*Delegació del Govern de la Generalitat de Catalunya - Patronat Català Pro Europa*), her position is head of the cabinet; interview took place in Brussels, Belgium on 18 April 2005.

Interview, Committee of the Regions (CoR), Subsidiarity Unit & Relations with Associations, Brussels, Belgium 2005, Representative from the Committee of the Regions, his position is administrator with the Unit for Subsidiarity Monitoring & Relations with Associations; interview took place in Brussels, Belgium on 21 April 2005.

Interview, Committee of the Regions (CoR), Policy Analyst, Brussels, Belgium, 2005, Representative from the Committee of the Regions, his position is administrator of the analysis

of politics, studies, and interinstitutional legislative programmes (*Administrateur - Analyse des politiques, Etudes & Programmation législative interinstitutionnelle*); interview took place in Brussels, Belgium on 13 April 2005.

Interview, Delegation of Euskadi, Brussels, Belgium 2004, Representative from the Delegation of Euskadi to the EU (*Euskadiren Ordezkaritza - Delegación de Euskadi*), her position is senior official specialising in institutional policy; interview took place in Brussels, Belgium on 30 August 2004.

Interview, Delegation of Euskadi, Brussels, Belgium, 2005, Follow-up interview with Representative from the Delegation of Euskadi to the EU (*Euskadiren Ordezkaritza - Delegación de Euskadi*), her position is senior official specialising in institutional policy; interview took place in Brussels, Belgium on 20 April 2005.

Interview, European Commission - DG Regional Policy - Head Spanish Unit, Brussels, 2007, Head of the Spanish Unit for European Commission Directorate General- Regional Policy, the interviewee was also a former manager of Spri; interview took place in Brussels, Spain, on 7 November 2007.

Interview, European Commission - DG Regional Policy, Brussels, 2008, Head of Unit for European Commission Directorate General-Regional Policy, several interviews took place in Brussels, Belgium in 2007 and 2008.

Interview, European Commission - DG Fisheries, Brussels, 2008, Head of the Spanish Unit of European Commission Directorate General-Fisheries; interview took place 8 January 2008.

Interview, European Parliament - PNV, Brussels, Belgium, 2007, Europarliamentarian for the PNV; interview took place in Brussels, Belgium on 23 January 2007.

Interview, European Parliament - PP, Brussels, Belgium, 2007, Europarliamentarian for the PP; interview took place in Brussels, Belgium on 24 January 2007.

Meeting, European Parliament Guide, Strasbourg, France 2008, representative from the European Parliament ; tour took place in Strasbourg, France on 16 January 2008.

Interview, Nordrhein-Westfalen Regional Office, Brussels, Belgium, 2004, Head of the Regional Office of Nordrhein-Westfalen to the EU (*Vertretung des Landes Nordrhein-Westfalen bei der EU*), his position was head of the office; interview took place in Brussels, Belgium on 31 August 2004.

Interview, Regleg Official (Conference of European Regions with Legislative Power), Brussels, Belgium, 2007, Regleg Secretary General and European and External Affairs Division (Wales); interview took place in Brussels, Belgium on 24 January 2007.

Interview, Scottish Regional Office, Brussels, Belgium, 2007, Head of the Scottish Executive EU Office, his position is Senior Policy Adviser (Cross Cutting Issues, Better Regulation, Enlargement, Regional Links, Events and Ministerial Visits; interview took place in Brussels, Belgium on 22 April 2005.

Interview, South Tyrol Regional Office, Brussels, Belgium, 2005, Head of the EU regional liaison office of the autonomous province of Bolzano-South Tyrol, he is head of European affairs in the office (*Europa-Angelegenheiten - Affari comunitari - Autonome Provinz Bozen-Südtirol -*

Provinci Autonoma di Bolzano-Alto Adige); interview took place in Brussels, Belgium on 20 April 2005.

Interview, Spanish Permanent Representation, Brussels, 2008, Commissioner for Autonomous Community Issues for the Spanish Permanent Representation to the European Council; interview took place in Brussels, Belgium on 13 February 2008.

Interview, University of the Basque Country, San Sebastian, 2007, Leading member of the PNV and a Law Lecturer at the University of the Basque Country; interview took place in San Sebastian, Spain on 27 May 2007.

Interview, Wales Regional Office, Brussels, 2007, Head of the Wales Regional Office in Brussels; interview took place in Brussels, Belgium, on 24 January 2007.

We have read your novel [...] and we can only say that unfortunately it is not finished. I would like to show you your hero. He has been sitting here and sleeping for nearly two thousand years, but when the full moon comes he is tortured, as you see, with insomnia. It plagues not only him, but his faithful guardian, his dog. If it is true that cowardice is the worst sin of all, then the dog at least is not guilty of it. The only thing that frightened this brave animal was a thunderstorm. But one who loves must share the fate of his loved one.

- Mikhail Bulgakov, *The Master and Margarita*, Woland

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Didn't you know that manuscripts don't burn?

- Mikhail Bulgakov, *The Master and Margarita*, Woland